



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/1227

Re: Property at 18 Glencoul Avenue, Dalgety Bay, KY11 9XL (“the Property”)

Parties:

Ms Karen Dempster, Mr Gary Vernon, 21 Seton Place, Dalgety Bay, KY11 9JR; c/o 21 Seton Place, Dalgety Bay, KY11 9JR (“the Applicant”)

Ms Rachel McSkimmings, 18 Glencoul Avenue, Dalgety Bay, KY11 9XL (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted against the Respondent.

1. This is an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 for an Eviction Order as the Landlords requires the property for the 2nd Applicant.
2. The Applicants are the owners and landlords. The Respondent is the Tenant.
3. A two-member Case Management Discussion (CMD) took place at 14.00 pm on 16 August 2024 by teleconference. Ms Devon represented the Applicants. The Respondent represented herself.
4. The Applicants were in a relationship and have since separated. As part of the settlement between them, the 2nd Applicant is to occupy the property and the

1st Applicant will continue to occupy the home they shared together which is in joint names.

5. It is the Applicants' intention to transfer one of the properties into the sole name of the 1st Applicant and the property subject to these proceedings, which is jointly owned by them, into the sole name of the 2nd Applicant.
6. We were informed by Miss Devon that the 2nd Applicant moved out some time ago and had been living with friends for a period of around 6 months and is now sofa surfing.
7. The Respondent informed us that she has a little girl aged 3 and she lives near her parents. The property is handy for work and her daughter's nursery. She has lived there since August 2020. Initially she had a joint tenancy with her ex-partner, but they separated in May 2023 and the tenancy was then created in her sole name.
8. She understands there is little that she can do to resist the eviction. She has approached the local authority who informed her to wait until an order was granted before they would try to find her and her daughter suitable, alternative accommodation. She has access to the Housing Association lists.
9. Having considered all of the information individually and together, we were satisfied that the 2nd Applicant is the joint owner of the property which is due to be transferred into his sole name, and that he intends to live there because of his own personal circumstances as his only or principal home for at least 3 months. We were satisfied that it was reasonable to issue an eviction order in all the circumstances.
10. Accordingly, we decided to issue an Order as it was reasonable to do so.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

L.A Mulholland

Legal Member/Chair

Date 16 August 2024