



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/EV/24/1841**

**Re: Property at 73 Cross Street, Fraserburgh, AB43 9EL (“the Property”)**

**Parties:**

**Mr David Ritchie, Ankerhus, Invernorth, Rathen, Fraserburgh, AB43 8TR (“the Applicant”)**

**Miss Mirelle Lane, 73 Cross Street, Fraserburgh, AB43 9EL (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.**

**Background**

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to refurbish the Property and for eviction and recovery of possession on Ground 3 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 23 April 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 3 January 2020;
3. Notice to Leave dated 25 January 2024 and served on that date;
4. Section 11 Notice to Local Authority;
5. Sheriff Officer Certificate of Service of CMD Notification on 29 August 2024;

6. Letter from Manor Property Solutions dated 26 January 2024 confirming extent of repairs required;
7. Correspondence between Applicant and local authority regarding Property and repairs.

### **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 8 October 2024. The Applicant and Respondent participated and represented themselves.

Both Parties confirmed the refurbishment of the Property was required by the Applicant under reference to the documentary evidence produced. The Respondent stated that there was extensive damp in the Property where she lived with her 5 children aged 16, 14, 13, 10 and 3. She had been in contact with the local authority who had confirmed to her that she would be treated as a priority in the event of the order being granted.

The Applicant informed the Tribunal that it was not possible to conduct the extensive damp repairs whilst the Property was inhabited.

The Tribunal had regard to the terms of Ground 3:

*Landlord intends to refurbish*

3(1) It is an eviction ground that the landlord intends to carry out significantly disruptive works to, or in relation to, the let property.

(2) The First-tier Tribunal may find that the eviction ground named by sub-paragraph (1) applies if—

(a) the landlord intends to refurbish the let property (or any premises of which the let property forms part),

(b) the landlord is entitled to do so,

(c) it would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord, and

(d) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

The Tribunal then considered the documentary and oral evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 3 January 2020;
2. The Applicant intends to refurbish the Property and it would be impracticable for the Respondent and her children to continue to occupy the Property given the nature of the refurbishment intended;
3. Notice to Leave had been served on the Respondent on 25 January 2024;
4. Section 11 notification had been served on the local authority;

5. The Respondent has been in touch with the local authority and informed that she will be given priority if the order for eviction is granted.

The Tribunal considered all of the evidence and submissions. The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought.

The Tribunal considered that it was reasonable in all of the circumstances to grant the order sought.

The Tribunal was satisfied that Ground 3 had been established and accordingly granted the application for eviction and recovery of possession.

### **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.**

# Alan Strain

8 October 2024

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Legal Member/Chair

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Date