



**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**

**Chamber Ref: FTS/HPC/EV/24/1555**

**Re: Property at 21 Grieve Street, Methilhill, Leven, Fife, KY8 2EJ (“the Property”)**

**Parties:**

**Mr Iain Johnstone Walker, 13 Donaldson Road, Methil, Leven, Fife, KY8 2LB (“the Applicant”)**

**Mrs Nicola Watson, 21 Grieve Street, Methilhill, Leven, Fife, KY8 2EJ (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Ann Moore (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted in favour of the Applicant 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 Applicant Landlord intends to sell the property.
2. The Applicant is the owner and landlord. The Respondent is the Tenant.
3. A two-member Case Management Discussion (CMD) took place at 10.00 am on 18 October 2024 by teleconference. The Applicant and the Respondent, along with her sister, Laura Baird, were present.
4. The Applicant owns 2 properties; the one he lives in and the other rented to the Respondent.

5. The Applicant has been struggling financially and needs to sell the property. He has been out of work since April 2024 and is in receipt of Employment and Support Allowance. His income is insufficient to meet his ongoing obligations and upkeep of the property.
6. The Respondent lives with her son. She has mental health issues that the Local Authority are aware of. She has been engaging with them about the application and will be a priority for re-housing.
7. The property is too big for her and her son. She has mobility issues and finds it difficult to manage the stairs and the upkeep of the property. A move would suit her. The Local Authority is aware of her needs and advised her to let them know if the Order is granted to allow them to offer her suitable, alternative accommodation.
8. Having considered all of the information individually and together, we were satisfied that the Applicant is suffering financial hardship, is entitled to sell the let property, and intends to sell it for market value, or at least put it up for sale, within 3 months of the Tenant ceasing to occupy.
9. We were satisfied that it was reasonable to issue an eviction order in all the circumstances, as the Local Authority is aware of the application and has a duty to find accommodation for the Respondent.
10. Accordingly, we decided to issue an Order as Schedule 3 (2) of the Private Housing (Tenancies) (Scotland) Act 2016 is satisfied.

## **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 18 October 2024**