

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**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/24/1512**

**Re: Property at 29 Kerse Place, Falkirk, FK1 1UH (“the Property”)**

**Parties:**

**D.M. & F.G Properties Ltd, Dunroamin, Drove Road, Denny, FK6 5FR (“the Applicant”); and**

**Belvoir Lettings Falkirk, 38 Vicar Street, Falkirk, FK1 1JB (“the Applicant’s Representative”) and**

**Mr Jack Green, 29 Kerse Place, Falkirk, FK1 1UH (“the Respondent”);**

**Tribunal Members:**

**G McWilliams- Legal Member**

**H Barclay - Ordinary Member**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determine as follows:**

### **Background and Case Management Discussion on 29<sup>th</sup> October 2024**

1. The Application has been brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call, at 2.00pm on 29<sup>th</sup> October 2024, in respect of this Application. The Applicant’s Representative’s Mrs A O’Rourke attended and the Respondent Mr Green also attended.

3. Mrs O'Rourke referred to the Application and stated that the Applicant has refurbished their other rental properties and wish to do the same with the Property. She said that she has been trying to assist Mr Green in obtaining alternative accommodation.
4. Mr Green stated that he is in full time employment in the insurance industry. He stated that his two children stay with him on three or four days each week. Mr Green stated that he understood that the Property requires to be upgraded and that he has been actively looking for a social housing or private residential tenancy since he received the Applicant's Notice to Leave in early January 2024.
5. After further discussions Mrs O'Rourke and Mr Green agreed that, in all the circumstances, it would be reasonable for an eviction order to be granted but with an enforcement date of 3<sup>rd</sup> March 2025.

### **Findings in Fact and Law and Reasons for Decision**

6. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal may issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
7. Schedule 3 (3)(1) to the 2016 Act provides that it is an eviction ground that a landlord intends to carry out significantly disruptive works to, or in relation to, the let property.
8. The Tribunal considered all of the Application papers and the submissions of Mrs O'Rourke and Mr Green. Having done so, and relying on the agreement of Mrs O'Rourke and Mr Green, the Tribunal found in fact that the Applicant intends to carry out significantly disruptive works to, or in relation to, the let property. The Tribunal found that Mr Green agrees that the Applicant should recover possession of the Property in order to carry out upgrading works. He does, however, require sufficient time to obtain an alternative tenancy. Accordingly, the Tribunal found, in law, that the ground for recovery of possession of the Property, that the Applicant intends to sell the Property to carry out significantly disruptive works there, is met. The Tribunal also found, in law, that in all the circumstances it is reasonable that Mr Green be allowed time to obtain alternative accommodation and that, therefore, the agreed eviction order will not be able to enforced earlier than 3<sup>rd</sup> March 2024.

### **Decision**

9. The Tribunal therefore make an eviction order as sought in this Application.

### **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.**



**G McWilliams**

**29<sup>th</sup> October 2024**

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**Tribunal Legal Member**

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**Date**