

Housing and Property Chamber

First-tier Tribunal for Scotland



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 Reference No: FTS/HPC/EV/24/1265

Property: 5E Bridge Street, Kirkcaldy, Fife, KY1 1TE (“the Property”)

Parties:

National Westminster Bank PLC, 36 St. Andrews Square, Edinburgh, EH2 2YB (“the Applicant”) and

Aberdein Considine, Solicitors, 18 Waterloo Street, Glasgow, G2 6DB (“the Applicant’s Representative”) and

Mr Nicholas Scott Howden, 5E Bridge Street, Kirkcaldy, Fife, KY1 1TE (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
T Cain - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Evidential Hearing on 13th December 2024

1. An Evidential Hearing proceeded by remote tele-conference call at 10am on 13th December 2024. The Applicant’s Representative’s Ms E. Hamiton and the Respondent Mr Nicholas Scott Howden attended.
2. Mr Howden stated that he would be vacating the Property and moving to reside with a family member in North Wales by mid-February 2025. Ms Hamilton stated that the Applicant sought the grant of an eviction order in order to sell the

Property. Mr Howden and Ms Hamilton agreed that it would be appropriate and reasonable for the Tribunal to grant an eviction order which cannot be enforced before 3rd March 2025.

Reasons for Decision

3. The Tribunal considered all of the Application papers and the submissions of Ms Hamilton and Mr Howden, in particular their consensus that an eviction order should be granted with a deferred enforcement date. Having done this the Tribunal found in fact that the Applicant, National Westminster Bank PLC, seeks recovery of the Property in order to sell it, having previously obtained a Court Decree for repossession of the Property dated 21st February 2023. Mr Howden consents to the Applicant's recovery of possession of the Property after he has moved to reside in North Wales by mid-February 2025. The Tribunal found in law that Ground 2 in Schedule 3 to the 2016 Act is satisfied. Given the agreement of the Applicant and Mr Howden regarding the grant of an eviction order the Tribunal found that is reasonable to make such an order.

Decision

4. The Tribunal granted an order for possession of the Property as sought in the 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.

Gerald McWilliams

Legal Member

13th December 2024

Date