



**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/24/2612**

**Re: Property at 70 Katrine Place, Irvine, KA12 9LU (“the Property”)**

**Parties:**

**Mr Bryan Lynn, 20 Pinegrove Crescent, Ballymena, BT43 6TL (“the Applicant”)**

**Ms Tracy Densham, 70 Katrine Place, Irvine, KA12 9LU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)**

**Decision (in absence of the Respondent)**

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order with the provision that it may not be enforced until 28 January 2025.

**Background**

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 26 November 2024. The Applicant was personally present. Mr Meek from CHAPS appeared on behalf of the Respondent.

[4] The Tribunal was addressed on the Application by the Applicant. The Applicant wishes to sell all of his Scottish properties as he has health issues and no longer wishes to be a landlord. Mr Meek explained that the Respondent also wishes the Tribunal to grant an Eviction Order as that will allow her to receive priority housing assistance. Mr Meek did however request that any order made provide for an additional one month period before it could be enforced. The Applicant had no issue with this. The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Having done so, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. *The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
- II. *The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
- III. *The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Applicant wishes to sell the Property. He no longer wishes to be a landlord.*
- V. *The Respondent has received professional advice regarding the Application and also wishes for the Tribunal to issue an Eviction Order. The Respondent understandably would like some further time before such an order can be enforced.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application and made an Eviction Order with the provision that it may not be enforced until 28 January 2025.

### **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.**

A McLaughlin

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Legal Member/Chair

28 November 2025

Date