

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 (1) of the Private Housing (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/2430

Re: Property at 9 BALSUSNEY ROAD, KIRKCALDY, KY2 5LG (“the Property”)

Parties:

MRS ROSAN SHAHID, Nader Shahid, 16 NAPIER AVENUE, CARDROSS, DUMBARTON, G82 5LY; 16 Napier Ave, Cardross, Dumbarton, G82 5LY (“the Applicant”)

MRS KATE SAWERES, MR ATEF SAWERES, 9 BALSUSNEY ROAD, KIRKCALDY, KY2 5LG (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicants seek an Eviction Order under grounds 1 and 3 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 27 November 2024. The Applicants were personally present. The Respondents were also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondents. They confirmed that they wished to leave the Property and specifically wanted the Tribunal to make the order sought today as that would allow them to obtain further assistance from their local housing services. The Respondents had health and mobility issues and the Property was no longer fit for their health needs. The Property was upstairs but the First Respondent used a wheelchair and so they really needed a ground floor property. The Respondents would however like further time to organise their departure from the Property. The Applicants had no issue with this. Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

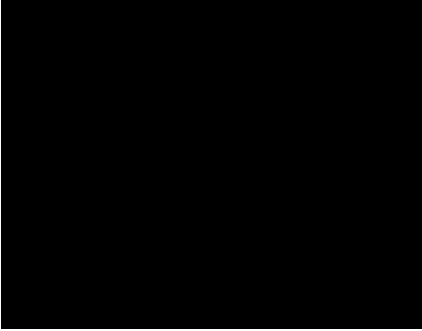
- I. *The Applicants let the property to the Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act dated 1 January 2022.*
- II. *The Applicants now wish to refurbish the Property and then sell it.*
- III. *The Applicants have competently served a notice to leave under grounds 1 and 3 on the Respondents;*
- IV. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents wish to leave the Property and expressly request that the order is made today. The Respondents would however like further time or organise their departure from the Property.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that grounds 1 and 3 of Schedule 3 of the Act were established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but did so on the understanding that the order may not be enforced until 27 February 2024.

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.



27 November 2024

Date