



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/24/2994

Re: Property at 25 Lee Crescent, Bridge of Don, Aberdeen, AB22 8FG (“the Property”)

Parties:

Mr Olajide Shadare, Mrs Omobola Shadare, Philorth, Hillside Road, Portlethen, Aberdeenshire, AB12 4RD (“the Applicant”)

Mr Shaun Moir, Miss Nadine Ross, 25 Lee Crescent, Bridge of Don, Aberdeen, AB22 8FG (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Nick Allan (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the provision that the order may not be enforced until 9 March 2025.

Background

[2] The Applicant seeks an Eviction Order under ground 1 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 2 pm on 9 January 2025. The Applicants were personally present. The Second Respondent, Mrs Nadine Moir n e Ross was also personally present on behalf of both Respondents. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with Mrs Moir. She confirmed that he wished to leave the Property but wanted more time to organise her family’s departure and that allowing 6 -8 weeks would allow her and her family time to hopefully obtain alternate accommodation. They had been in touch with the relevant local authority housing department and had been told that they would receive priority should the Tribunal make an Eviction Order. The Applicants for their part wished to sell the Property to alleviate financial strains and also in advance of their mortgage deal expiring in the summer of 2025.

[4] 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;*
- II. *The Applicants now wish to sell the Property to alleviate financial strains and in advance of their mortgage deal expiring;*
- III. *The Applicants have competently served a notice to leave under ground 1 on the Respondents;*
- IV. *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents are content to leave the Property but would like some extra time to organise their departure.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 9 March 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.

Andrew McLaughlin

Legal Member/Chair

9 January 2025
Date