



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/24/2416

Re: Property at 11 Daffodil Way, Calderwood, East Calder, West Lothian, EH53 0FJ ("the Property")

Parties:

Mr Karl Wilson, 4 Celestial Crescent, Orewa, Rodney, Auckland, New Zealand, 0931, Australia ("the Applicant")

Mr Colin Campbell and Mrs Jennifer Campbell, 11 Daffodil Way, Calderwood, East Calder, West Lothian, EH53 0FJ ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

At the Case Management Discussion ("CMD"), which took place by telephone conference on 11 March 2025, the Applicant was in attendance. The Respondents were represented by Mr Jonny Nisbet of Nisbets, Edinburgh. The Respondents were not in attendance.

Background

A CMD had previously taken place on 6 November 2024. That CMD had been adjourned to enable the Respondents' representative to obtain their full instructions on the application and lodge full and detailed written submissions in response thereto.

By email dated 4 December 2024 the Respondents' representative lodged written Answers to the Application.

The CMD on 11 March 2025

At the outset of the CMD Mr Nisbet for the Respondents indicated that the Respondents accepted they are required to remove from the Property and therefore consented to an eviction order being granted by the tribunal in favour of the Applicant. They had found alternative accommodation and anticipated removing by 8 April 2025 at the latest. Mr Nisbet undertook to email the Applicant to confirm the Respondents removal in due course.

The Applicant noted the Respondents' position which he had not been aware of prior to the CMD. He indicated the keys to the Property should be returned by the Respondents to his letting agents, Mavor & Co, who will also deal with the check-out arrangements.

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an eviction order should be granted against the Respondents in favour of the Applicant and made an order to that effect.

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.Buchanan

Legal Member/Chair

— **11 March 2025**
Date