

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 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/4353

Re: Property at 23B Beach Lane, Musselburgh, EH21 6JZ (“the Property”)

Parties:

Cameron Veitch, Strawberry Wood, East Saltoun, EH34 5DY (“the Applicant”)

Deborah Doyle, 23B Beach Lane, Musselburgh, EH21 6JZ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order.
2. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers on 25 February 2025.
3. The applicant was represented by Mr David Gray of Gilson Gray. The respondent joined the hearing personally and represented her own interests.

Findings and Reasons

4. The property is 23B Beach Lane, Musselburgh EH21 6JZ. The applicant is Mr Cameron Veitch. He is the heritable proprietor and registered landlord of the property. The respondent is Ms Deborah Doyle who is the tenant.

5. The parties entered into a short assured tenancy which commenced on 1 October 2013. This was for an initial 6 month period and has continued on a month to month basis since. An AT5 Notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
6. On 17 June 2024 the applicant served upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that she would require to remove from the property on or before 1 August 2024. Further, on 17 June 2024 the applicant served upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 18 August 2024. A Sheriff Officer's execution dated 17 June 2024 evidences service.
7. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
8. The tribunal also requires to consider the reasonableness of the eviction order being granted.
9. The applicant seeks to evict the respondent on the grounds that he intends to sell the let property. He is a commercial landlord and owns 11 properties personally and another 8 via his limited company. The rent on this property does not yield any profit and the rent simply services the mortgage liability. The applicant has total mortgage liabilities of £2,375,000.
10. The respondent is not opposed to the eviction application. She is 48 years of age and she has three adult children. She has some health issues and is not in employment. Her rent is paid by East Lothian Council.
11. A section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to East Lothian Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available. The Respondent has already entered into communications with Council.
12. The tribunal concluded that it was reasonable to grant the eviction order.

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.

10 April 2025

Legal Member/Chair

Date