



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/24/2505

Re: Property at 29 Mansfield Way, Irvine, KA11 1PX (“the Property”)

Parties:

Mr William Woodside, Mrs Lorraine Woodside, 211 Gobbins Road, Larne, BT40 3TX (“the Applicant”)

Miss Vikki Brien, 29 Mansfield Way, Irvine, KA11 1PX (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and John Blackwood (Ordinary Member)

Decision

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

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.

The CMD took place by teleconference on 11 April 2025 at 10.00 am. The applicants were represented by Mr Alan Lavelle of Ayr Estate and Letting Agents. The respondent was represented by Mr Alistair Meek of Ayr Housing Aid Centre.

Findings and Reasons

The property is 29 Mansfield Way, Irvine KA11 1PX. The applicants are Mr William Woodside and Mrs Lorraine Woodside who are the heritable proprietors of the property and the registered landlords. The respondent is Mis Vicki Brien who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 31 August 2020.

The applicants rely upon ground 1 contained within part 1, schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to sell the let property.

The relevant notice period under ground 1 at the time that the notice to leave was served was one of 84 days. The notice to leave relied upon in the eviction application has been prepared in accordance with the provisions of Section 62 of the Act and was calculated at a total of 84 days months plus 3 days from the date of completion and posting. It is dated 31 January 2024 and was posted the same day.

The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicants' genuine intention to sell the let property. Their motivation to sell the let property is due to the increased costs associated with maintaining it. There have been rent arrears for some considerable time.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent is not opposed to the eviction application. No vulnerabilities or disabilities are relied upon. She has an active application open with the Council for housing. A relevant Section 11 notice has been issued to the relevant local authority who is under a statutory duty to provide with alternate accommodation upon an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The parties were agreed that a period of two months ought to be provided for implementation and execution.

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.

Richard Mill

11 April 2025

Legal Member/Chair

Date
