



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/3288

Re: Property at 47/2 March Street, Peebles, EH45 8ES (“the Property”)

Parties:

Lorraine Millington, 38 Wemyss Place, Peebles, EH45 8JT (“the Applicant”)

Ms India Montrose, 47/2 March Street, Peebles, EH45 8ES (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (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 20 June 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 10 am on 20 March 2025. The Applicant was represented by her letting agent, Mr

Sandy Grant. The Respondent was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondent. She confirmed that she wished to leave the Property but wanted more time to organise her departure. The Tribunal discussed the respective issues in the Application thoroughly with both parties. Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The Applicant now wishes to sell the Property in order that she can retire and no longer be a landlord.*
- III. *The Applicant has competently served a notice to leave under ground 1 on the Respondent;*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent wishes to leave the Property but would like extra time to organise her departure.*

Reasons for Decision

[4] 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 20 June 2025.

[5] The Tribunal noted that this was a case where both parties had competing interests that both demanded the Tribunal's respect and understanding. The Applicant was of an age where it was perfectly understandable that she no longer wished to carry on as a landlord and wished to retire. The Tribunal noted the Applicant's unfortunate personal circumstances but was pleased to note that she did not appear to be having any acute financial issues. The Tribunal also noted that the Respondent was at a similar stage in life and was apprehensive about her future living arrangements. The Tribunal noted that both at today's CMD and in her written representations, the Respondent had expressed a willingness to leave the Property but on the basis that she be allowed some additional time. The Tribunal decided that the correct balance was to grant the Application and make an Eviction Order but to delay the date by which such order may be enforced by three months in recognition of the understanding which the Respondent's own position deserved.

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.

Legal Member/Chair

20 March 2025

Date