



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/25/0100

Re: Property at 63 Glebe Road, Whitburn, West Lothian, EH47 0AY (“the Property”)

Parties:

Mr Robert Gillies, 7/42 Murieston Road, Edinburgh, EH11 2JJ (“the Applicant”)

Ms Louise Johnston, 63 Glebe Road, Whitburn, West Lothian, EH47 0AY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ahsan Khan (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

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

Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 7 March 2025.

The CMD took place by teleconference on 2 May 2025 at 2.00 pm. Both parties joined the hearing and represented their own interests.

Findings and Reasons

The property is 63 Glebe Road, Whitburn, West Lothian EH47 0AY. The applicant is Mr Robert Gillies who is the heritable proprietor of the property and the registered landlord. The respondent is Ms Louise Johnston. The parties entered into a private residential tenancy in respect of the property which commenced on 6 February 2020.

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to sell the let property. The relevant notice period at the time that the notice to leave was served, was one of 84 days.

The notice to leave is dated 9 October 2024 and specifies that the earliest an application be submitted to the tribunal would be 4 January 2025. There is evidence that the notice to leave was emailed to the respondent on 9 October 2024. Sufficient statutory notice was given.

The applicant's motivation to sell the let property is due to his cancer diagnosis. He is no longer well enough to work and has retired. He requires to sell the property to ingather funds to support himself. The tribunal was satisfied that it is the applicant's genuine intention to sell the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.

The respondent does not oppose the application. She lives alone and is unemployed. She has mental health difficulties. She has already had discussions with the local council regarding her circumstances and needs.

A relevant Section 11 notice has been issued to the relevant local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made against her. The Council is under a statutory obligation to make alternative housing available.

Weighing up the respective circumstances of the parties, 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.

Richard Mill

2 May 2025

Legal Member/Chair

Date