



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

Chamber Ref: FTS/HPC/EV/24/3869

Re: Property at 123 Tantallon Drive, Coatbridge, ML5 2LU (“the Property”)

Parties:

Red Sphere Property Ltd, Autumn House, Glen Road, Dunblane, FK15 0HR (“the Applicant”)

Ms Maria Dougal, Mr Connor Henderson, 123 Tantallon Drive, Coatbridge, ML5 2LU (“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 2pm on 20 March 2025. The Applicant was represented by their own Ms Japp. The Respondents was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondents. They confirmed that they were both content to leave the Property with their two young children. All parties agreed though that it would be appropriate to allow the Respondents three months to find alternate accommodation. That would hopefully allow the relevant local authority to avoid requiring to resort to temporary accommodation. 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 Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- II. *The principal director and shareholder of 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 Respondents;*
- IV. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondents wish to leave the Property but would like extra time to organise their departure. They are content that the Tribunal make an Eviction Order on the provision that it may not be enforced for a period of three months.*

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.

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.

A McLaughlin

Legal Member/Chair

20 March 2025

Date