



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Residential (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/4318

Re: Property at 15 Selkirk Avenue, Cowdenbeath, KY4 8NT (“the Property”)

Parties:

Mr William Hall, 56 Moss Side Road, Cowdenbeath, KY4 9JP (“the Applicant”)

Ms Hazel Preston, 15 Selkirk Avenue, Cowdenbeath, KY4 8NT (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 1 May 2024. The Applicant was represented by Mr Baillie, Solicitor. There was no appearance by or on behalf of the Respondent. The Application and information

about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] The Tribunal was addressed on the Application by Mr Baillie. The Tribunal carefully considered the reasonableness or otherwise of granting the Application. Mr Baillie suggested that the Respondent was thought to live in the Property with three children and be a carer for her own mother. He explained that the Applicant thought that the Respondent might actually be having an operation for breast cancer tomorrow. He also explained that the Applicant wishes to retire and live abroad with his wife. Having considered the Application and Mr Baillie's representations, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
2. *The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
3. *The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
4. *The Applicant wishes to sell the Property. He wishes to retire and live abroad.*
5. *The Respondent has not engaged with the Tribunal process. The Property has not been specially adapted for her purposes. The Respondent may have health issues and is thought to live in the Property with three children.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application. The Tribunal noted that the Respondent had received service of the papers on 7 March 2025 and had received service of the notices in June 2024. The Tribunal considered that the Respondent would have had plenty of time to engage with advice services and submit representations notwithstanding that she may or may not be having an operation tomorrow.

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

Date: 10 April 2025