



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/24/4806

Re: Property at 36 Newhouse Way, Girdle Toll, Irvine, KA11 1PW ("the Property")

Parties:

Siberite Mortgages Limited, The Pavilions, Bridgewater Road, Bristol, BS13 8AE ("the Applicant")

Miss Annmarie Morrison, 36 Newhouse Way, Girdle Toll, Irvine, KA11 1PW ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

[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 ground 2 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 along with proof of the Property having been subject to a heritable security and the Applicant being entitled to sell the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 23 April 2025. The Applicant was represented by Ms MacDonald, Solicitor. The Respondent was personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondent.

[4] The Respondent confirmed that she wished to leave the Property and specifically wanted the Tribunal to make the order sought today as that would allow her to obtain further assistance from her local housing service. The Respondent had health issues and lived with her two young grandchildren. Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Property is subject to a heritable security and the Applicant has been granted Decree to sell the Property.*
- 2) *The Applicant has competently served a notice to leave under ground 2 on the Respondent;*
- 3) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 4) *The Respondent wishes to leave the Property and expressly wishes the order to be made today.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 2 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application and made an 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.



Legal Member/Chair

23 April 2025

Date