

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/24/4747

Re: Property at 34 Middlepart Crescent, Saltcoats, KA21 6LL (“the Property”)

Parties:

Mr Anthony Bates, Mrs Heather Campbell, 1 Winton Circus, Saltcoats (“the Applicant”)

Miss Chelsea Gibb, 34 Middlepart Crescent, Saltcoats, KA21 6LL (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order 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 19 March 2025.

The CMD took place by teleconference on 3 June 2025 at 10.00 am. The applicants were represented by Ms Laura McLaren of Welcome Homes Estate Agents Ltd. The respondent joined personally and was represented by Ms Andrea Gibson of CHAP.

Findings and Reasons

The property is 34 Middlepart Crescent, Saltcoats KA21 6LL. The applicants are Mr Anthony Bates and Mrs Heather Campbell who are the heritable proprietors of the property and the registered landlords. The respondent is Miss Chelsea Gibb who is

the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 25 January 2023.

The applicants relies upon ground 1 of schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to sell the let property. The relevant notice period under ground 1 was one of 84 days. Sufficient statutory notice is evidenced to have been provided.

The applicants intend to sell the property due to financial reasons. In support of the ground of eviction the applicants have produced a copy of the estate agency contract with their representative which was signed on 29 November 2024.

The tribunal was satisfied on the basis of the credible and reliable evidence produced 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 respondent is not opposed to the application. A relevant Section 11 notice has been issued to the relevant local authority. An offer of a tenancy from North Ayrshire Council has already been made and accepted by the respondent.

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.

R.Mill

3 June 2025

Legal Member/Chair

Date
