

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/24/4602

Re: Property at 8 Denholm Grove, Armadale, EH48 3QT (“the Property”)

Parties:

Mr Craig Cardy, 10 Croft Field, Goldborne, WA3 3YR (“the Applicant”)

Kourtney Kean, Charlene Bell, 8 Denholm Grove, Armadale, EH48 3QT (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 10th November 2021 the Applicant let the Property to the Respondents.
2. A notice to leave dated 5th March 2024 was served on the Respondents. This stated that vacant possession was sought as the Applicant intended to sell the Property.
3. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
4. On 13th September 2024 The Applicant presented an application to the Tribunal seeking an eviction order.

5. The Tribunal was provided with documentary proof that the Applicant had engaged agents with a view to marketing and selling the Property.

THE CASE MANAGEMENT DISCUSSION

6. All Parties participated in the Case Management Discussion.
7. The Applicant confirmed he wished an eviction order as he intended to sell the Property. He advised he became a landlord "by accident". He purchased the Property when he was in the armed forces and, due to his job at the time, ended up letting the Property. He was now in an established relationship and has a daughter. The Property does not make him money. Indeed, he suggested he makes a loss on it. While rent arrears do not form any basis of the application, the Respondents are in arrears of rent in the sum of £2,075.00.
8. The Respondents did not oppose the application. Indeed, they stated they needed an eviction order to enable the local authority to provide alternative accommodation for them.
9. The Respondent Charlene Bell is 44 years of age. The respondent Kourney Kean is Charlene Bell's daughter. She is 26 years of age.
10. No other persons reside at the Property. There are no children there. Neither Respondent has any medical conditions they considered of any relevance.
11. While not admitting the exact amount, the Respondents accepted there were some arrears of rent.
12. In the circumstances, having regard to the fact the Respondents
 - did not oppose the application,
 - Positively wished an eviction order to enable the local authority to offer them alternative accommodation and
 - did not present any information to suggest the application ought not be granted,the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of Schedule 3 to said Act

Order not to be executed prior to 12 noon on 7th July 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.

Virgil Crawford

30th May 2025

Legal Member/Chair

Date