

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) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/4737

Re: Property at 27 Elm Bank, Kirkintilloch, G66 1PQ ("the Property")

Parties:

Mr Ian Davidson, 8 Morven Way, Kirkintilloch, G66 3QL ("the Applicant")

Mr Kevin McTaggart, 27 Elm Bank, Kirkintilloch, G66 1PQ ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)

[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 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 2 June 2025. The Applicant was represented by their letting agent, Ms Shannon Miller. The Respondent was neither present nor represented. On the basis that the Application and information about the details of the conference call had been served on the Respondent by Sheriff Officers, the Tribunal decided to proceed in the absence of

the Respondent. The Tribunal discussed the Application with Ms Miller. She explained that the Applicant wished to sell the Property to release capital to purchase a new home following on from a personal change in circumstances. She explained that the Respondent lived in the Property with no dependents and had no health or well-being issues. Having considered the documentation and having heard from the Applicant's representative, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
2. *The Applicant now wishes to sell the Property.*
3. *The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
4. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
5. *The Respondent has no health or well being issues and the Property has not been especially adapted for his needs.*

Reasons for 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 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.

Andrew McLaughlin
Legal Member/Chair

2 June 2025
Date