

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 19 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/5138

Re: Property at 50 Whitecraig Ave, Whitecraig, EH21 8PD (“the Property”)

Parties:

Mrs Shona MacKinnon, Mr Graeme MacKinnon, 50 Gilbert Ave, North Berwick, EH39 4EA (“the Applicant”)

Miss Michelle Hall, 50 Whitecraig Ave, Whitecraig, EH21 8PD (“the Respondent”)

Tribunal Members:

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

Decision (in absence of the Respondents)

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

Background

[2] The Applicants seek an Eviction Order under Section 19 of the Act on the basis of ground 1 of Schedule 5 of the Act. The relevant notice of intended proceedings in Form AT6 has been served on the Respondent along with a valid Notice to Quit. The Application was accompanied by a copy of the relevant tenancy agreement; the relevant Form AT6 and evidence of service and the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003*.

The Case Management Discussion

[3] The Application called for a Case Management Discussion by conference call at 10am on 27 May 2025. The Applicants were personally present. The Respondent was personally present. She confirmed that she understood what the Application was about and had taken advice about her housing situation from the local authority. She confirmed that she did not oppose the Application and was content to move out and find alternate accommodation. She did not have any relevant health or wellbeing issues that she wished to be taken into account.

[4] The Applicants explained that they had previously lived in the Property as their own home and had recently been renting elsewhere. They wished to move back into the Property.

[5] Having heard from the parties, the Tribunal made the following findings in fact.

Findings in Fact

1. *The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent on a Short-Assured Tenancy Agreement within the meaning of the Act;*
2. *The Applicants previously lived in the Property and now wished to move back into it after renting elsewhere.*
3. *The Applicants competently served a notice under Section 19 of the Act and a valid notice to quit on the basis that ground 1 of Schedule 5 of the Act was established;*
4. *The ground relied on in the Form AT6 was established at the date of service and remain established.*
5. *The Respondent is content to move out and has no special health or wellbeing issues that might impact upon her ability to find alternate accommodation.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal determined that ground 1 of Schedule 5 of the Act was established. It was also reasonable to grant the Eviction Order. The Tribunal granted the Application.

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

Andrew McLaughlin
Legal Member/Chair

27 May 2025

Date