

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/24/5748

Re: Property at 22 Princes Street, Grangemouth, FK3 9DN (“the Property”)

Parties:

Ms Melanie Jackson, 21 Carronflats Road, Grangemouth, FK3 9DG (“the Applicant”)

Mr Keith Johnston, 22 Princes Street, Grangemouth, FK3 9DN (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 8 April 2025.

The CMD took place by teleconference on 10 July 2025 at 10.00 am. The applicant was represented by Ms Anne Johnstone of Northwood (Central) Ltd. The respondent joined personally and represented his own interests.

Findings and Reasons

The property is 22 Princes Street, Grangemouth FK3 9DN. The applicant is Ms Melanie Jackson who is the heritable proprietor of the property and the registered landlord. The respondent is Mr Keith Johnston who is the tenant.

The parties entered into a private residential tenancy in respect of the property which commenced on 13 December 2017. The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property.

The relevant notice period was one of 84 days. The notice to leave is dated 20 September 2024 and stipulates that the earliest an application could be submitted to the tribunal would be 16 December 2024. The notice was served by email on 20 September 2024. Sufficient statutory notice was given.

In support of the ground of eviction the applicant has produced a copy of the agency arrangement to sell the let property, together with relevant estate agency terms and conditions of business which were signed by the applicant on 1 August 2024. The Applicant seeks to sell to assist in the purchase of a house for her son who has special needs. There remains a mortgage on the property.

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 respondent does not challenge this. Ground 1 is established.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.

The respondent is 61 years old and works as a lecturer on short term contracts. He has no dependants and no disabilities or other vulnerabilities. A relevant Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation by the Council in the event of an eviction order being granted.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. At the request of the Respondent the time period for implementation was extended to assist him in seeking other accommodation.

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

10 July 2025

Legal Member/Chair

Date