



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/0633

Re: Property at 1 Earlston Place, Carnoustie, DD7 6PA (“the Property”)

Parties:

Mrs Sheena Ruark, 91 High Street, Carnoustie, DD7 6AE (“the Applicant”)

Ms Pauline Anderson, 1 Earlston Place, Carnoustie, DD7 6PA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (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 4 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 2 pm on 3 July 2025. The Applicant was personally present along with her representative, Mr C. Gordon, solicitor. The Respondent was personally present.

[4] The Tribunal discussed the Application with the parties. The Respondent was agreeable to the Eviction Order being granted and has taken appropriate advice from her local housing services. She lives alone and keeps good health. The Applicant wishes to move into the Property. Having heard from parties and having considered the written materials produced, the Tribunal made the following findings in fact.

Findings in Fact

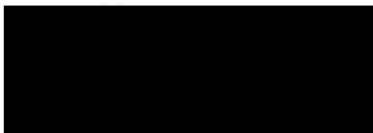
- a. The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
- b. The Applicant now wishes to move back into the Property.*
- c. The Applicant has competently served a notice to leave under ground 4 on the Respondent.*
- d. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- e. The Respondent is content to leave the Property and has taken appropriate advice about sourcing alternative accommodation.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 4 of Schedule 3 of the Act was established and that it was reasonable to make 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.



Legal Member/Chair

Date 3 July 2025