

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/24/5663

Re: Property at 17 Stevenson Walk, North Berwick, East Lothian, EH39 5LY ("the Property")

Parties:

Mr John Pickard, Mrs Charlotte Mary Pickard, Hermiston Broadgait, Gullane, East Lothian, EH31 2DH; Hermiston, Broadgait Gullane, East Lothian, EH31 2DH ("the Applicants")

Ms Paula Buchanan, 17 Stevenson Walk, North Berwick, East Lothian, EH39 5LY ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (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 Applicants seek 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 Applicants have also provided detailed statements setting out their reasons for wishing to sell the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 8 July 2025. The Applicants were present together with their representative, Mr Urquhart. The Respondent was personally present. Neither party had any

preliminary matters to raise. The Respondent was content for the Tribunal to grant the Application. She understood the purpose of the Application and had taken advice from her local authority. She lives in the Property with her partner and three children but is now keen to move out as soon as possible. She finds herself in the position that she will not be offered an appropriate level of assistance by the local authority until such time as an Eviction Order is granted.

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

Findings in Fact

- 1) *The Applicants let the Property to the Respondent initially by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicants now wish to sell the Property and retire. They no longer wish to be landlords.*
- 3) *The Applicants have competently served a notice to leave under Ground 1 on the Respondent.*
- 4) *The Applicants have complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent is content to leave the Property and has taken advice regarding alternative accommodation.*

Reasons for Decision

[5] 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.

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

8 July 2025
Date