



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/24/5417

Re: Property at 8 The Grange, North Beach Road, Balmedie, AB23 8XG (“the Property”)

Parties:

Rev Dr Paul McKeown, Dr Rhona Catherine McKeown, The Manse, Balmedie, Aberdeenshire, AB23 8YR; The Manse, Balmedie, Aberdeenshire, AB238YR (“the Applicants”)

Mr Alan Booth, 8 The Grange, North Beach Road, Balmedie, AB23 8XG (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member)

Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants were entitled to an order for the eviction of the Respondent from the property.

Background

1. By application dated 20 November 2024 the Applicants applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicants submitted a copy of a tenancy agreement, Notice to Leave with Respondent’s acknowledgement of receipt, Section 11 Notice together with other documents in support of the application.

2. By Notice of Acceptance dated 7 February 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 15 April 2025.
4. By emails dated 5, 14 and 17 July 2025 the Applicants submitted further written representations to the Tribunal.

The Case Management Discussion

5. A CMD was held by teleconference on 23 July 2025. Both Applicants and the Respondent attended in person.
6. After explaining the purpose of the CMD to the parties the legal member of the Tribunal established from the Respondent that he did not intend to oppose the application and he confirmed that the tenancy commenced on 12 April 2024 and that he had been served with a Notice to Leave under Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") on 7 October 2024.
7. Dr McKeown confirmed that it was necessary to sell the property for the reasons given in the application as he and his wife needed to sell the property to raise funds to purchase a family home as they had to move out of their previous tied home due to Dr McKeown obtaining a new position. Dr McKeown confirmed that the Applicants had obtained an extension to remain in their current home for three months and then for a further three months but that the time was running out for them to remain.
8. The Tribunal noted that the Respondent was subject to certain bail conditions and was currently unable to return to the property. Mr Booth advised the Tribunal that no court dates had been allocated but that if an order for his eviction was granted, he would be able to remove his remaining belongings from the property within thirty days either with the assistance of friends or by asking the court to allow him access to the property to remove his belongings.

Findings in Fact

9. The Respondent commenced a Private Residential Tenancy of the property on 12 April 2024.
10. A Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act was served on the Respondent on 7 October 2024.
11. A Section 11 Notice was sent to Aberdeenshire Council on 13 November 2024.

12. The Applicants intend to sell the property in order to finance the purchase of a family home.
13. The Applicants are required to move out of their current home due to Dr Paul McKeown changing his employment and the current home being tied to his previous employment.
14. The Respondent does not oppose the application.
15. The Respondent is subject to bail conditions and is unable to return to the property.
16. The Respondent has not paid rent for May, June and July.

Reasons for Decision

17. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Private Residential tenancy that commenced on 12 April 2024. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 1 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Aberdeenshire Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the Applicants' oral submissions that the Applicants intended to sell the property to finance the purchase of a new family home this being necessary as the Applicants had to move from their previous tied accommodation associated with Dr Paul McKeown's previous employment. The Tribunal took account of the fact that the Respondent did not oppose the application and that in addition he was subject to bail conditions that prevented him from returning to the property. In all the circumstances the Tribunal was satisfied that it was reasonable to grant the order sought.

Decision

18. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicants entitled to an order for the eviction of the Respondent from the property.

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.

Graham Harding
Legal Member/Chair

6 August 2025
Date