

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 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/0631

Re: Property at 37 Cambuskeith Road, Stevenston, KA20 4BX (“the Property”)

Parties:

Jam Properties, 22 Diddup Drive, Stevenston, KA20 4AF (“the Applicant”)

Ms Dawn Muir, 37 Cambuskeith Road, Stevenston, KA20 4BX (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference on 27 August 2025 at 10.00 am. The applicant was represented by Miss Laura McLaren of Welcome Homes Ayrshire Limited. The respondent joined personally and represented her own interests.

Findings and Reasons

The property is 37 Cambuskeith Road, Stevenston KA20 4BX. The applicant is Mr Mark Barraclough who is the heritable proprietor of the property and the registered landlord. The respondent is Ms Dawn Muir who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 1 February 2019.

The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act which is an eviction ground where the landlord intends to sell the let property. The notice period under ground 1 is one of 84 days. The notice to leave, served upon the respondent and relied upon in this application is valid. The applicant seeks to sell the property due to the rising costs of the mortgage commitments and previously set low rent. The respondent cannot afford an increased rent. The applicant has produced a copy of an estate agency contract. The tribunal was satisfied on the basis of the credible and reliable unchallenged evidence produced that it is the applicant's genuine intention to sell the let property.

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

A Section 11 homelessness notice has been issued to the relevant local authority

The respondent is a good tenant. She has not breached her obligations. This is a 'no fault' eviction. She has been offered, and accepted, a tenancy with North Ayrshire Council. She is due to collect the keys on 1 September 2025 which is in 5 days' time. She has not however seen the property yet and she has been advised the offer is subject to change. Both parties agreed that they wished the benefit of an eviction order to give them both security in the event that current plans do not come to fruition.

The tribunal concluded that it was reasonable to grant the 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.

Richard Mill

27 August 2025

Legal Member/Chair

Date