

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/0577

Re: Property at 15 Keith Gardens, Broxburn, EH52 6XS (“the Property”)

Parties:

Dr Virginia Cano, Ms Bronwen Reid (Executor of Austin Reid), 4 The Vennel, Linlithgow, EH49 7EX; 7 Mews Road, Royal Leamington Spa, Warwickshire, CV32 5BX (“the Applicants”)

Mr Keith Robertson, 15 Keith Gardens, Broxburn, EH52 6XS (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

[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 Applicants are the executors of the late Mr Austin Reid. 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 10 am on 27 October 2025. The Applicants were represented by Ms Lesley Cairns of Paul Rolfe Letting. The Respondent was personally present. Neither party had any preliminary matters to raise. The Respondent explained that he was content for the Tribunal to grant the Application and wanted a date arranged as soon as possible. He was in full time employment and would move on without difficulty. He also lived with his mother and she would be moving into sheltered housing. They had been told by the relevant local authority that as soon as a date for the eviction was arranged then this would be arranged as a priority. The Respondent accepted that the landlord had sadly passed away and that the Applicants now wished to sell the Property.

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

Findings in Fact

- 1) *The Applicants are the executors in respect of the late Mr Austin Reid who had let the property to the Respondent by virtue of a Private Residential Tenancy Agreement. Mr Reid sadly passed away.*
- 2) *The Applicants now wish to sell the Property in accordance with Mr Reid's testamentary intentions.*
- 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 along with his mother who also lives there.*

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

27 October 2025
Date