



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/4237

Re: Property at 8 Cuillin Place, Kilmarnock, KA1 3UH (“the Property”)

Parties:

Jams Property Services LTD, 17 Mure Avenue, Kilmarnock, KA13 1UH (“the Applicant”)

Miss Heather Taylor, Mr Mark Stevenson, 8 Cuillin Place, Kilmarnock, KA1 3UH (“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 on the provision that the order may not be enforced before 29 August 2026.

Background

[2] The Applicant seeks 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 Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 29 May 2026. The Applicant was represented by Mr Alexander Stewart. The Respondents were personally present together with their representative from Ayr Housing Aid Centre, Mr Gerard Tierney. The Respondents confirmed that they were content to leave the Property but explained their difficulties in securing alternative accommodation. They had however found alternative accommodation, but they would need some time until they could move in. Both parties had reached an agreement that an Eviction Order should be made on the provision that it may not be enforced before 29 August 2026

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

Findings in Fact

- 1) *The Applicant is the landlord in a Private Residential Tenancy Agreement which let the Property to the Respondents.*
- 2) *The Applicant now wishes to sell the Property.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondents;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5) *The Respondents are content to leave the Property but require some further time before they can move into their new home.*

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 but considered that it was reasonable to do so on the provision that the order may not be enforced until 29 August 2026.

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.

A. McLaughlin

Legal Member/Chair

29 May 2026

Date