



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 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/5453

Re: Property at 1 Albert Place, Stewarton, Kilmarnock, Ayrshire, KA3 5PT (“the Property”)

Parties:

Miss Michelle Paterson, 29 Standalane, Stewarton, Kilmarnock, Ayrshire, KA3 3AW (“the Applicant”)

Mr Stephen Thomas Reekie, Miss Shayna Louise Semple, 1 Albert Place, Stewarton, Kilmarnock, Ayrshire, KA3 5PT (“the Respondents”)

Tribunal Members:

Alastair Houston (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be made in terms of paragraph 4 of schedule 3 of the 2016 Act in favour of the Applicants.

1. Background

1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant seeks an eviction order on the basis of ground 1 of schedule 3 of the 2016 Act, namely, the Applicant intends to reside at the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to leave given to the tenant and a signed statement from the Applicant pertaining to her intention to reside at the property.

1.2 Written representations were lodged by the Respondent’s representative on 26 July 2026 in advance of the Case Management Discussion.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 28 July 2026 by teleconference. The Applicant attended personally along with her representative, Ms Spence of McTurk & Muir Lettings. The Respondents were represented by Mr Tierney of Ayr Housing Aid Centre.

2.2 The parties confirmed that an agreement had been reached. They were in agreement that the eviction order should be granted with a delay in execution to the end of September. This was to allow time for the Respondents to move to new accommodation which had been identified through the local authority.

2.3 The Tribunal granted the order sought with said order not being enforceable prior to 30 September 2026.

3. Reasons For Decision

3.1 The Tribunal had noted that valid notice to leave had been given to the Respondent by the Applicant. The Applicant sought an eviction order on the basis of paragraph 4 of schedule 3 of the 2016 Act. Paragraph 3 is in the following terms:-

4(1)It is an eviction ground that the landlord intends to live in the let property.

(2)The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months, and

(b)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

(3)References to the landlord in this paragraph—

(a)in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,

(b)in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.

(4)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.

In the present case, the Applicant had provided a statement with regards to her intention to move to the property and she had, therefore, demonstrated such an intention.

3.2 The Tribunal thereafter considered it reasonable to issue an eviction order. The application was not opposed and an agreement had been reached regarding a delay in enforcement to allow time for the Respondents to move to alternative accommodation.

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.

Legal Member/Chair

Date 30 July 2026