



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber)  
under Section 51 (1) of the Private Housing (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/22/3491**

**Re: Property at COTTAGE 1, PROSPECTHILL LAMLASH, ISLE OF ARRAN, KA27  
8LH (“the Property”)**

**Parties:**

**Mrs BARBARA BECKITT, The Haven Westfield Park Care Home, Westfield Lane,  
Hook, Goole, DN14 5PW (“the Applicant”)**

**MS DEVIKA ROSAMUND, COTTAGE 1, PROSPECTHILL LAMLASH, ISLE OF  
ARRAN, KA27 8LH (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”)  
decided to grant the Application and made an Eviction Order.**

**Background**

The Applicant seeks an Eviction Order on the basis of s 33 of the Housing (Scotland) Act 1988. The Application is accompanied by a copy of the tenancy agreement, the s33 Notice and Notice to Quit relied on and the notice under s11 of the Homelessness (etc) (Scotland) Act 2003.

**Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2.15 pm on 2 March 2023. The Applicant was represented by Mr Nicolson of Harper Macleod LLP. The Respondent was personally present. The Respondent confirmed having received the papers and having understood the purpose of the CMD. The Respondent confirmed that she did not oppose the Application and had obtained alternate accommodation that she intended to move into around 14 April 2023.

Having considered the Application and having heard from parties, the Tribunal made the following findings in fact.

### **Findings in fact**

- I. *The parties entered into a short-assured tenancy whereby the Applicant let the Property to the Respondent with a commencement date of 3 October 2017;*
- II. *On 29 June 2022, the Applicant competently served a Notice to Quit and a Notice under s33 of the Act on the Respondent giving the Respondent notice of an intention to raise proceedings in the event that the Respondent did not vacate the Property by 3 September 2022;*
- III. *The Respondent failed to vacate the Property by that date. The Applicant has given notice to the local authority under s11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *The Respondent has now made arrangements to move into alternate accommodation in the same area. The Applicant now suffers from dementia and her attorney requires to liquidate her assets to pay for care home fees;*
- V. *It is reasonable that an Eviction Order is granted.*

### **Decision**

Having made the above findings in fact, the Tribunal decided to grant the Application and made an 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

**Andrew McLaughlin**

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Legal Member/Chair

**2 March 2023**

Date