



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

Chamber Ref: FTS/HPC/EV/21/0774

Re: Property at 4 Hunter Terrace, Loanhead, EH20 9SJ (“the Property”)

Parties:

Mr David Dick, 146 Newbattle Abbey Crescent, Dalkeith, EH22 3LR (“the Applicant”)

Mr Callum O'Meara, Mr Ross Webster, 4 Hunter Terrace, Loanhead, EH20 9SJ; 4 Hunter Terrace, Loanhead, EH20 9SJ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

The Applicant seeks an Eviction Order in respect of Grounds 5 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 in that it is said a family member intends to live in the Property. An affidavit from the Applicant’s daughter is produced alongside the Application confirming that she intends to live in the Property. A Notice to Leave based on the relevant grounds was served on the Respondents by personal delivery as provided for in the tenancy. The end of the notice period was said to be 11 March 2021 and the Notice was dated and said to have been delivered on 4 September 2020 meaning that a period of in excess of 6 months had been given to the Respondents.

The Case Management Discussion

The matter called for a Case Management Discussion at 10am on 24 May 2021. The Application called alongside the related Application with reference FTS/HPC/CV/21/0818 in respect of a Payment Order.

The Applicant was represented on the call by Ms Barr of AM Lettings, Mr O'Meara was represented on the call by his mother Ms McGrath and Mr Webster was also present.

Prior to the Case Management Discussion, the Respondents had emailed the Tribunal to advise that they would not be contesting the Application for the Eviction Order. They also advised that they had been made aware that the Applicant would require the property back for a relative to live in at the start of the tenancy.

At the outset of the Case Management Discussion this was confirmed again separately on behalf of both Respondents and it was explained that they wished for an Eviction Order to be made to assist in encouraging the local authority to offer alternative accommodation.

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

Findings in Fact

- I. *The parties entered into a Private Residential Tenancy which commenced on 1 April 2018;*
- II. *The Applicant was the landlord and the Respondents were the tenants;*
- III. *At the outset of the tenancy the Applicant had informed the Respondents that he would require the Property back for a family member a few years later;*
- IV. *On 4 September 2020 the Applicant delivered a Notice to Leave to the Respondents confirming that the tenancy would end after 11 March 2021;*
- V. *The Notice to Leave was on the basis of Grounds 5 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016;*
- VI. *That grounds is established as the Applicant requires the Property for his daughter to live in as her permanent and principal home.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted 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.

Legal Member:

A.M.

Date: 24/05/2021