



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/21/0972**

**Re: Property at The Bungalow, Glenree, Alyth, Blairgowrie, PH11 8EA (“the Property”)**

**Parties:**

**Mr John McIntosh, Rooftops, Glenree, Alyth, Blairgowrie, PH11 8EA (“the Applicant”)**

**Miss Kayleigh Barrett, Mr Garry Brown, The Bungalow, Glenree, Alyth, Blairgowrie, PH11 8EA (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision (in absence of the Respondents)**

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

- Background

This is an application for an eviction order in relation to the Respondents’ occupation of the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 14 June 2021 by teleconference. The Applicant was represented on the call by Ms McNicol of McNabs LLP, solicitors. The Respondents did not call in to the conference and were not represented. The commencement of the CMD was delayed by 10 mins to allow for any technical difficulty the Respondents may have been having, but there remained no contact from them.

The application was served by sheriff officers on the Respondents on 14 May 2021. There has been no written response or any other contact with the Tribunal from the Respondents. The Tribunal was satisfied that they were aware of today’s CMD and decided to proceed in their absence.

- Findings in Fact

1. The Respondents let the Property from the Applicant in terms of a private residential tenancy, with a start date of 1 January 2020.
2. The Applicant lives upstairs from the Property, in a separate flat.
3. The Applicant suffers from ill health which renders it impossible for him to negotiate the stairs to access his flat.
4. The Applicant intends to occupy the Property for the foreseeable future, as it is on the ground floor.
5. If the Applicant is unable to move to a ground floor property, he will be house-bound.
6. The local authority has stated that it will provide emergency housing to the Respondents if an eviction order is granted against them.
7. On 22 October 2020, the Applicant sent a notice to leave to the Respondents, relying on Ground 4 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
8. This application was raised on 22 April 2021.

- Reasons for Decision

9. The Applicant intends to occupy the Property for at least 3 months.
10. The Tribunal is satisfied that it is reasonable to grant an order for eviction. Not to do so would prevent the Applicant from moving to a property that is more suitable for his needs and would render him house-bound. That would be significantly prejudicial to his health and other interests, to an extent that outweighs the prejudice to the Respondents. They will be re-housed, if an eviction order is granted.
11. On that basis, Ground 4 is made out and an eviction order should be made.

- Decision

**Eviction order granted.**

## **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.**

Nairn Young  

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**Legal Member/Chair**

14 June 2021  

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**Date**