

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/22/2376

Re: Property at 56 Darg Road, Stevenston, KA20 3AY (“the Property”)

Parties:

Mr Alan Grant, 38 Tevlot Street, Ayr, KA8 9JE (“the Applicant”)

Miss Nicola Monaghan, 56 Darg Road, Stevenston, KA20 3AY (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Elizabeth Currie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted but that eviction should not take place before 1 March 2023.

Background

- 1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) on 8 July 2022 seeking eviction under Rule 66. Accompanying the application was a Tenancy Agreement, Notice to Quit, Section 33 Notice and proof of service, together with Section 11 Notice.**
- 2. The application was received by the tribunal on 20 July 2022 and on 11 August 2022 the tribunal accepted the application for determination. A case management discussion was assigned for 19 October 2022. That hearing was continued to allow the applicant to provide further information regarding the proposed sale of the property.**

Case Management Discussion

- 3. At the case management discussion Ms McDiarmid attended on behalf of the applicant. Miss Monaghan the respondent attended. It was noted that the applicant had provided documents showing contact with an estate agent who were proposed to be used in the sale of the property.**

4. The respondent indicated that she had been offered social housing in a new build property but did not have a move in date as yet.

Findings in Fact

5. The parties entered into a minute to lease the property on 16 January 2013.
6. The applicant wishes to sell the property.
7. Welcome Homes Ayrshire are to be instructed in the sale.

Reasons for Decision

8. The applicant had provided documents showing his intention to sell the house. The respondent was not opposed to the application but wished to obtain alternative accommodation for herself and her son. She had an offer of social housing but with no date for moving in.
9. The tribunal were of the view that the applicant had made out the case to sell the house but afforded the respondent a period of 3 months to find alternative accommodation.

Decision

10. To grant an order of eviction but not before 1 March 2023.

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.

M Thorley

29th November 2022

Legal Member/Chair

Date

