



**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 Act”).**

**Chamber Ref: FTS/HPC/EV/23/0455**

**Re: Property at 8 Mayfield Gardens, Carluke, ML8 4JR (“the Property”)**

**Parties:**

**Mrs Janette Mutch, c/o 29a Douglas Street, Carluke, ML8 5BJ (“the Applicant”)**

**Miss Debbie McClymont, 8 Mayfield Gardens, Carluke, ML8 4JR (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (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 under ground 1 of schedule 3 of the Act in that it is said that the Applicant wishes to sell the let Property. The Application is accompanied by a copy of the tenancy agreement and the notice to leave relied on with proof of service.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 3 May 2023. The Applicant was represented by Ms Bridges, of S& J Lettings. The

Respondent was personally present together with a supporter. The Tribunal considered if there were any preliminary matters. There were none. The Tribunal also made sure that the Respondent understood what the Application was about and that she knew what the Tribunal was being asked to do. It became apparent that the Respondent herself considered the Property to no longer be appropriate for her and her 8-year-old daughter's needs. She wanted to move and was accepting that an Eviction Order being granted wouldn't really affect her. The Tribunal took time to make sure the Respondent understood the implications of her position.

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

### **Findings in Fact**

- I. *The parties entered into a Private Residential Tenancy Agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement that commenced on 19 July 2019;*
- II. *On 4 November 2022, the Applicant served a Notice to Leave on the Respondent under ground 1 of Schedule 3 of the Act;*
- III. *The Applicant does intend to sell the Property because the monthly outgoing mortgage payments have risen in a manner that make it no longer economically viable to the Applicant to continue to operate as a landlord;*
- IV. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent is content that an Eviction Order is made as she wishes to move home anyway.*

### **Reasons for Decision**

Having made the above findings in fact and having considered the entire circumstances of the Application, the Tribunal found the ground relied upon established and concluded that it was reasonable to make 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/Chair

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3 May 2023

Date