



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/23/1932

Re: Property at 47 Churchill Tower, Ayr, KA7 1JT (“the Property”)

Parties:

IPC Scotland, Mr Robert Hall, Mrs Gwendolyn Hall, 29 Goukscroft Park, Ayr, KA7 2DR (“the Applicant”)

Miss Angela Cassidy, 47 Churchill Tower, Ayr, KA7 1JT (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Frances Wood (Ordinary Member)

Decision

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

Background

[1] The Applicants seek an Eviction Order under s33 of the Act. The Application is accompanied by a copy of the tenancy agreement, the relevant notice under s 33 of the Act and the notice to quit with proof of service. The Application is also accompanied by a copy of the relevant notice under s11 of the Homelessness (etc) Scotland Act 2003.

The Case Management Discussion

[2] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 11 September 2023. Mr Robert Hall was present on behalf of the Applicants.

The Respondent was personally present. Neither party had any preliminary matters to raise. The Respondent had received the papers and understood what the Tribunal was being asked to consider. She confirmed that she had no opposition to the order being granted and had already taken advice about finding alternate accommodation.

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

Findings in Fact

- I. *The parties entered into a tenancy agreement in which the Applicants let the Property to the Respondent by virtue of a Short Assured Tenancy agreement;*
- II. *The Applicants competently served a notice on the Respondent under section 33 of the Act with a notice to quit ending the contractual tenancy between the parties;*
- III. *The Applicant has complied with section 11 of the Homelessness (Etc) (Scotland) Act 2003;*
- IV. *The Applicant wishes to sell the Property as he is winding down his business as part of his retirement planning;*
- V. *The Respondent is content to leave the Property and has already sourced support for finding alternate accommodation.*

Reasons for Decision

[4] Having made the above findings in fact the Tribunal considered that the contractual tenancy had been lawfully ended under s33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore 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.

A McLaughlin

Legal Member/Chair

11 September 2023

Date