



**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/23/2029**

**Re: Property at 19 Glencoul Avenue, Dalgety Bay, Dunfermline, KY11 9XL (“the  
Property”)**

**Parties:**

**Mrs Jayne Paterson, Mr James Paterson, 26 Glamis Gardens, Dalgety Bay,  
Dunfermline, Fife, KY11 9TD (“the Applicant”)**

**David Slater, 19 Glencoul Avenue, Dalgety Bay, Dunfermline, KY11 9XL (“the  
Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Sandra Brydon (Ordinary Member)**

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

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

**Background**

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

**The Case Management Discussion**

[2] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 6 September 2023. The Applicant was represented by Ms Matthew of Bannatyne Kirkwood France & Co. There was no appearance on behalf of the Respondent. The Respondent had however helpfully set out his position in a letter which

had been received by the Tribunal. The Respondent explained his surprise at receiving the notices but that he was now buying another property in Dunfermline.

[3] Having heard from Ms Matthew and having considered the documentation before it, the Tribunal made the following findings in fact.

### **Findings in Fact**

- I. The parties entered into a tenancy agreement whereby the Applicants let the Property to the Respondent by virtue of a Short Assured Tenancy;*
- II. The Applicant has competently served the relevant notice under s33 of the Act together with a notice to quit providing the correct periods of notice for the ending of the tenancy;*
- III. The Applicant has complied with s11 of the Homelessness (Etc) (Scotland) Act 2003;*
- IV. The Applicants wish to end the tenancy because they want to retire and sell the Property together with their own home and buy a bungalow;*
- V. The Respondent is understood to live alone in the Property and is in the process of finding alternative accommodation;*
- VI. It is reasonable to make an Eviction Order.*

### **Decision**

[3] 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.**

**Andrew McLaughlin**

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**Legal Member/Chair**

**6 September 2023**  
**Date**

