



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/21/1697

Re: Property at 8 Dundonald crescent, Irvine, North Ayrshire, KA11 5AX (“the Property”)

Parties:

Mr Jonathan Little, c/o Lomond Property, 51 Main Street, Prestwick, KA9 1AD (“the Applicant”)

Rachel Carden residing at 47 Tinto Avenue, Kilmarnock, KA1 3SF and Mr Ross Raeside residing at 8 Dundonald crescent, Irvine, North Ayrshire, KA11 5AX (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Frances Wood (Ordinary Member)

Decision (in absence of the Applicant and Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application is dismissed.

- **Background**

1. An application dated 14 July 2021 was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicant requiring to move back into the let property, being Ground 4 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).

- **Case Management Discussion**

2. A Case Management Discussion (“CMD”) took place on 8 September 2021. The Applicant was represented by his letting agent, Stephen Spence of Lomond Property. The First-Named Respondent did not attend nor was she

represented. The Second-Named Respondent, Mr Raeside, was personally present and represented himself only.

3. The Applicant's representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"), which commenced 4 September 2020. The Applicant now required to move back into the Property. A Notice to Leave had been served on the Respondents on the basis of Ground 4 of Schedule 3 to the 2016 Act, on 11 March 2021.
4. The Respondent opposed the granting of the Order. He applied to East Ayrshire Council for rehousing and had been accepted onto the waiting list for a 3-bed semi-detached property, suitable for his needs and those of his children. The timescale of this happening is unknown. His oldest child has autism.
5. The Tribunal noted that the evidence lodged with the application to support the ground being relied upon was bare, and did not give much information regarding the Applicant's situation and the circumstances surrounding the need for him to move back into the Property.
6. The CMD was adjourned to a hearing to take place at 10am on 21 October 2021 by tele-conference, to determine firstly if the Ground has been established and secondly, whether or not it is reasonable to evict.

- **Hearing**

7. The Hearing on 21 October 2021 was postponed at the request of the parties, as the Respondent had been allocated a property by the local authority and was due to move out of the Property shortly. A New Hearing date was fixed for 25 November 2021.
8. A Hearing took place on 25 November 2021 by tele-conference. Neither party attended the Hearing, nor was any correspondence lodged prior to the Hearing. The application was accordingly dismissed.

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

Date: 25 November 2021