



**Decision 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/22/4439**

**Re: Property at 66 Jamieson Avenue, Bo'ness, West Lothian, EH51 0JU (“the Property”)**

**Parties:**

**Mr Clifton Anderson, Mrs Susan Anderson, 37 Hillview Terrace, Edinburgh, EH12 8RG  
 (“the Applicant”)**

**Mr Lubomir Vanko, Mr Branislav Mandula, 66 Jamieson Avenue, Bo'ness, West  
Lothian, EH51 0JU; Razušova 6, 07101 Michalovce, Slovakia, Slovakia (Slovak  
Republic) (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elaine Munroe (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 Applicants seek an Eviction Order in terms of Ground 1 of Schedule 3 of the Act in that it is said that the Applicants wish to sell the Property. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service and a notice under 11 of the Homelessness (etc) (Scotland) Act 2003. The Applicants also explain in the Application that they wish to sell the Property as part of their retirement planning.

**The Case Management Discussion**

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 19 June 2023. The Applicants were represented by the Second Applicant herself, Mrs Susan Anderson. The First Respondent, Mr Vanko was in attendance with a supporter. There was no appearance by or on behalf of the Second Respondent. He had been emailed the papers and information about how to join the call and had previously provided his consent to communicate with the Tribunal by email. It was apparent from the papers that he returned to his native Slovakia.

Having heard from the parties, 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 Respondents on a Private Residential Tenancy;*
- II. *The Second Respondent, Mr Branislav Mandula no longer resides in the Property and has returned to Slovakia;*
- III. *The First Respondent, Mr Lubomir Vanko resides alone in the Property;*
- IV. *The Applicants competently served a Notice to Leave on the Property under ground 1 of schedule 3 of the Act;*
- V. *The Applicants wish to sell the Property as part of their retirement planning;*
- VI. *The Applicants have complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- VII. *Mr Vanko is not opposed to the Application but is anxious that he has time to seek alternate accommodation.*

### **Reasons for Decision**

Having made the above findings in fact, the Tribunal found that the ground relied on in the Application was established and that it was reasonable to make an Eviction Order. In doing so, the Tribunal took comfort from the effects The Cost of Living (Tenant Protection) (Scotland) Act 2022 as this would allow Mr Vanko time before any eviction could be enforced.

### **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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

A McLaughlin

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Legal Member/Chair

19 June 2023.

Date