



**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/22/3167**

**Re: Property at 8 Pitfirrane Park, Crossford, Dunfermline, Fife, KY12 8NU (“the Property”)**

**Parties:**

**Lesley Harrison (aka Wotherspoon), 1 Lyne Grove, Crossford, Dunfermline, KY12 8YB (“the Applicant”)**

**Mr Sean Dolan, 8 Pitfirrane Park, Crossford, Dunfermline, Fife, KY12 8NU (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A case management discussion (“CMD”) took place on 30 January 2023 and a written decision was issued to parties following that CMD.
3. On 27 March 2023, the Tribunal granted the Respondent’s application to recall the decision of 30 January 2023. The Tribunal assigned a CMD for 14 April 2023 at 10am and intimated details of that to the parties by letter of 29 March 2023. In that letter, the parties were told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on

the application if the Tribunal has sufficient information and considers the procedure to have been fair.

### **The Case Management Discussion (“CMD”)**

4. The CMD took place by conference call. The Applicant and her letting agent, Michael Annandale, participated in the CMD and the Applicant was represented by Mr Runciman, solicitor. The Respondent participated personally in the discussion. The Respondent explained that he is not opposing the application. He has been making arrangements to leave the property and plans to do so by the end of April 2023. The Respondent has been in contact with the local authority but alternative accommodation has not yet been identified by them. The Applicant's letting agent identified alternative accommodation in November 2022, but he was unable to take up that accommodation for financial reasons. The Applicant's representative moved for an order for eviction to be granted today, with immediate extract of the order to prevent any further delay to the Applicant in recovering possession.
5. The Tribunal adjourned briefly to enable the members to discuss matters in light of the submissions made. The Tribunal explained that the order has been granted today and indicated that there was force behind the Applicant's motion for immediate extract, in light of the timescales outlined by the Respondent. The Respondent explained that he has made arrangements for his belongings to be removed on 29 April 2023. On that basis, the Tribunal refused the motion for immediate extract of the order but determined that the order should be extracted early on 17 April 2023.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 1 December 2017.
7. The Notice to Leave was served on the Respondent by email on 31 May 2022.
8. The Applicant's daughter intends to live in the property.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant's daughter requires the property to live in. The Respondent did not oppose the application. The Notice to Leave was served on the Respondent 11 months ago and the Respondent provided details of the time he required to move out of the property. The Tribunal was satisfied that the ground of eviction was established and that it was reasonable to grant the order. Further, the Tribunal was persuaded that it was reasonable to order early extract of the order in light of the submissions made.

### **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.

Nicola Irvine

Legal Member/Chair

14 April 2023

Date