



Decision with Statement of Reasons 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/23/2809

Re: Property at 49 Northern Road, Kintore, Inverurie, AB51 0YF (“the Property”)

Parties:

Mrs June Robbie, Mr Hassan Adrif, 28 Birch Wood, Kintore, Inverurie, AB51 0QN (“the Applicant”)

Mr Ahmad Alzain, 49 Northern Road, Kintore, Inverurie, AB51 0YF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act in that they allege that they wish to sell the Property. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on, the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003. The Respondent had corresponded with the Tribunal also requesting than an Arabic interpreter be instructed to assist him at any hearing.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 9 January 2024. The Applicants were personally present. The CMD commenced in the absence of the Respondent but he ultimately joined late and the interpreter was also able to join the call at that point. The Respondent understood the purpose of the Tribunal and explained that he had no issue leaving the Property and had been told that he would get “priority” in being re-accommodated if an Eviction Order was granted. He explained his domestic situation. The Tribunal asked questions throughout. The Tribunal also questioned the Applicants carefully on why they wanted to sell the Property. Their explanation was that their current mortgage deal was expiring and the costs would soon be no longer economically viable for them to continue as landlords.

[4] Having discussed matters fully, the Tribunal adjourned to consider its decision. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The Applicants let the Property to the Respondent by virtue of a Private Residential Tenancy which commenced in January 2020;*
- II. *The Applicants’ mortgage deal is expiring and the costs of continuing as a landlord will soon be unviable for the Applicants;*
- III. *The Respondent lives in the Property with his wife and school age children. He is obtaining support from the local authority to find alternate accommodation. The Respondent has no particular issue with leaving the Property;*
- IV. *Ground 1 of Schedule 3 of the Act is established and the Applicant has complied with s11 of the Homelessness (Scotland) Act 2003;*
- V. *It is reasonable that an Eviction Order is made.*

Reasons for Decision

[5] 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.



Legal Member/Chair

9 January 2024
Date