



**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/23/4106**

**Re: Property at 33 Bridge Street, Montrose, Angus, DD10 8AE (“the Property”)**

**Parties:**

**Mrs Elizabeth Findlater, 4 Panter Crescent, Montrose, Angus, DD10 9BH (“the Applicant”)**

**Mr Stephen Watson, 33 Bridge Street, Montrose, Angus, DD10 8AE (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

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

**[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. The Application is accompanied by a copy of the tenancy agreement; the relevant notice to leave with proof of service; the notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and some evidence demonstrating an intention to market the Property for sale.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (“CMD”) by conference call at 10 am on 9 May 2024. The Applicant was personally present. The Respondent was not in attendance. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] Having heard from the Applicant, the Tribunal made the following findings in fact.

- Findings in Fact

- I. *The parties entered into an agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy within the meaning of the Act;*
- II. *The Applicant now wishes to sell the Property and cease being a landlord;*
- III. *The Property is no longer financially viable for the Applicant due to recent increases in the interest rate on the mortgage over the Property;*
- IV. *The Applicant owns three other properties which are also being sold for similar reasons;*
- V. *The Applicant has competently served a notice under ground 1 of Schedule 3 on the Respondent and also complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- VI. *The Respondent has not engaged with the Tribunal process;*
- VII. *He has fallen into arrears of rent. He lives alone in the Property;*
- VIII. *He is not known to have any health issues or dependents.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal considered that the ground relied on was established and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application.

### **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

Legal Member/Chair

9 May 2024

Date