



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/23/4565

Re: Property at 4 Coltbridge Vale, Ravelston, Edinburgh, EH12 6AG (“the Property”)

Parties:

Ms Elizabeth Murray, 7914 Campion Drive, Los Angeles, CA, 90045, United States (“the Applicant”)

Mr Mark Wong, Ms Hsiao Ying Loh, 4 Coltbridge Vale, Ravelston, Edinburgh, EH12 6AG (“the Respondents”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the respondents

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.

Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondents by Sheriff Officers on 21 March 2024.

The CMD took place by teleconference on 1 May 2024 at 10.00 am. The applicant was represented by Ms Lozyniak and Ms Tatarowicz, both of 1Let Ltd. The respondents joined personally and represented their own interests.

Findings and Reasons

The property is 4 Coltbridge Vale, Ravelston, Edinburgh EH12 6AG. The applicant is Ms Elizabeth Murray who is the heritable proprietor of the property and the registered landlord. The respondents are Mr Mark Wong and Ms Hsiao Ying Loh who are the tenants.

The parties entered into a private residential tenancy which commenced on 15 March 2021. The rent was stipulated at £1,270 per month.

The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to sell the let property.

The relevant notice period under ground 1 at the time of the notice to leave was served was one of 84 days. The notice to leave is dated 12 July 2023 and stipulates that the earliest an application be submitted to the tribunal would be 5 October 2023. There is evidence that an email attaching the notice to leave was sent to the respondents on 12 July 2023. The tribunal was satisfied that more than the minimum statutory period of notice had been given to the respondents and, accordingly the notice to leave is therefore valid.

In support of the ground of eviction the applicant's representative has produced a copy of the instructions from the applicant to sell the property. Also attached is a copy of a terms of engagement letter between the applicant and Messrs DJ Alexander, the proposed selling agent and estate agent. The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.

The applicant is 68 years of age. She requires to sell the let property to allow her to repay the mortgage over the property which she lives in.

The respondents are married and live in the let property with their six year old son. They are financially secure. They own a property of their own which is undergoing extensive renovations. They have requested numerous extensions to the lease for their own convenience. They currently expect the renovations to be completed within the next two weeks and are willing to vacate the let property.

A relevant Section 11 notice has been issued to the relevant local authority. The tribunal was satisfied that the respondents will be provided with alternate accommodation in the event of an eviction order being made against them. They are not vulnerable nor do they have any disabilities.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the 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.

1 May 2024

Legal Member/Chair

Date