

**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 (Act)**

**Chamber Ref: FTS/HPC/CV/20/0453**

**Re: Property at 79 Lammermuir Crescent, Dunbar, East Lothian, EH42 1DP (“the Property”)**

**Parties:**

**Miss Rebecca Ward, 9 Brunt Place, Dunbar, East Lothian, EH42 1RT (“the Applicant”)**

**Miss Lauren Koch, 79 Lammermuir Crescent, Dunbar, East Lothian, EH42 1DP (“the Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.**

**Background**

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicant’s intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 10 February 2020;
2. Private Residential Tenancy Agreement (**PRTA**) dated 13 August 2019;
3. Notice to Leave dated 10 January 2020;
4. Section 11 Notice to Local Authority;
5. Terms of Engagement with Paris Steele for sale of Property dated 24 January 2020;
6. Email serving Notice to Leave on Respondent dated 10 January 2020;
7. Email serving section 11 Notice dated 10 February 2020;

8. Tribunal CMD Notification to the Parties dated 18 June 2020.

**Case Management Discussion (CMD)**

The case called for a CMD by conference call on 16 July 2020. The Applicant and Respondent both participated and were not represented.

The Respondent did not oppose the application and informed the Tribunal that she had been advised by the local authority to stay in the Property until evicted.

The Tribunal informed the Parties that if it was satisfied that it had sufficient information to do so and the procedure was fair then it could determine the matter at the CMD.

The Tribunal had regard to Ground 1 of Schedule 3 to the Act which provides:

*Landlord intends to sell*

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property, and

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under a PRTA dated 13 August 2019;
2. The Applicant is the owner of the Property and entitled to sell it;
3. Notice to Leave had been served on the Respondent on 10 January 2020;
4. The Applicant has engaged agents to sell the Property by terms of engagement dated 24 January 2020;
5. The Applicant intends to market/sell the Property within 3 months of the Respondent ceasing to occupy it;
6. Section 11 notification had been served on the local authority on 10 February 2020.

The Tribunal was satisfied that Ground 1 had been established and accordingly granted the application for eviction and recovery of possession.

## **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.**

Alan Strain

**16 July 2020**

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**Legal Member/Chair**

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**Date**