



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/20/1176

Re: G/R 12 Albany Street, Dunfermline, Fife KY12 0RA (“the Property”)

Parties:

Mr Derek Paterson, c/o Your Move, 34a North Bridge Street, Bathgate, West Lothian EH48 4JP per Bannatyne Kirkwood France & Co, 16, Royal Exchange Square, Glasgow G1 3AG (“the applicant”)

Mr Anthony Mark Goodchild, residing at the property (“the respondent”)

Tribunal Member:

David Preston (Legal Member)

Background:

1. This was a CMD in respect of an application for eviction arising from a Private Residential Tenancy Agreement (PRT) between the parties constituted by Tenancy Agreement between the parties dated 17 January 2018.
2. The tribunal had before it: the application dated 12 May 2020; Leases & Extensions dated 31/8/12, 9/1/13, 10/2/14, 11/2/15, 24/8/17, 17/1/18, 27/6/18; Notice to Leave dated 11 February 2020 with Sheriff Officers Execution dated 11 February 2020; Section 11 Notice dated 12 May 2020 to Fife Council; Letter from Your Move Estate Agents with terms of Business dated 6 February 2020. In addition the tribunal was provided with title information from Registers of Scotland in relation to the property under Title Number FFE5946.
3. By Decision dated 21 May 2020, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal. A letter of Intimation dated 13 July 2020, with Notice of the Case Management Discussion (CMD) to be held on 12 August was served on the respondent by Sheriff Officers on 14 July 2020.
4. On 12 August 2020 a CMD was convened by telephone in accordance with the provisions for dealing with business during the COVID-19 pandemic. Present by telephone at the CMD were: Ms Kirsty Donnelly representing the applicant; and the respondent.

Discussion:

5. The respondent advised the tribunal that he had been assured by Your Move, the letting agents that they would assist him to find alternative accommodation, but they had not done anything for him. He said that he was in poor health and that he was in and out of hospital. He had been in contact with the Council, but no alternative accommodation had been found. He had no defence to the application.
6. Ms Donnelly sympathised with the respondent but pointed out that the proper notices had been served on the respondent and the necessary evidence had been **lodged to establish the applicant's intention to sell the property. Accordingly, she moved the tribunal to grant the Order for Eviction under Ground 1 of Schedule 3 of the 2016 Act.**
7. The respondent understood that the tribunal is obliged to grant the order if it is satisfied that the necessary Notices have been served and that it is satisfied about the **landlord's intention to sell.**
8. The property title demonstrated that the applicant is the heritable proprietor of the property and as such is entitled to sell it.

Reasons for Decision:

1. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
2. The tribunal was satisfied that the appropriate Notices had been served on the respondent and that the evidence of the applicant's intention to sell was established by the letter from Your Move, Estate Agents together with Terms of Business dated 6 February 2020.
3. The tribunal was satisfied that the applicant: (a) is entitled to sell the property; and (b) intends to put it up for sale, within 3 months of the respondent ceasing to occupy it.

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.