



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) 2016

Chamber Ref: FTS/HPC/EV/20/1060

Re: Property at 22 Laverock Road, Kirkwall, Orkney, KW15 1EE (“the Property”)

Parties:

Mr Geoffrey Linnitt, Mrs Susan Linnitt, Gaira, St Margaret's Hope, Orkney, KW17 2RL; Gaira, St Margaret's Hope, Orkney, KW17 2RL (“the Applicant”)

Mr Andrew Addis, 22 Laverock Road, Kirkwall, Orkney, KW15 1EE (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be made.

Background

The applicant applied to the First Tier Tribunal for Scotland by application dated 10 April 2020. Accompanying the application was an offer for the property, copies of the Notice to Leave, copy of the Notice to the local authority. The application was made under Rule 109.

The application was accepted on 22 May 2020.

Intimation of the application was made by Sheriff Officer.

There has been no written representations received from the respondent.

Case management hearing

The case management discussion was conducted by tele-conference call. The applicant and respondent were in attendance on the telephone. Both parties were agreed that the case could be dealt with at the case management hearing.

Findings in Fact

- 1. The parties contracted by a private residential tenancy agreement for the property at 22 Laverock Road, Kirkwall, KW15 1EE dated 22 August 2018.**
- 2. The applicant had served the appropriate notices to cover the property on 3 January 2020.**
- 3. The applicant sought to sell the property and an offer had been received for the property dated 24 January 2020.**

Reasons for Decision

The applicant had lodged all the relevant documentation. The applicant had showed that they wished to sell the property. They have lodged a formal offer for purchase of the property. The offer to buy the house was still available.

The respondent indicated that he did not object to the order being made. The local authority would not provide alternate accommodation until there was an eviction order.

Decision to grant an order for eviction.

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.

Mark Thorley

19 August 2020

Legal Member/Chair

Date