



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/21/2112

Re: Property at 62 Terregles Drive, Pollokshields, Glasgow, G41 4RN (“the Property”)

Parties:

Maxalula Properties Limited, Oakfield House, 378 Brandon Street, Motherwell, ML1 1XA (“the Applicant”)

Miss Karen Perris, 62 Terregles Drive, Pollokshields, Glasgow, G41 4RN (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- Background
- 1. An application dated 30 August 2021 was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the landlord intending to sell the let property, being Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- 2. A Case Management Discussion (“CMD”) took place on 22 November 2021 by tele-conference. The Applicant was represented by Ms Caldwell of TC Young,

solicitors. The Respondent was represented by Ms Soutter of Shelter Housing Law Service.

3. The Applicant's representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement which commenced 26 March 2018. The landlord required to sell the property to release funds to settle company debts. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 3 February 2021. A letter from Pacitti Jones dated 25 August 2021 was lodged with the application confirming that they had been instructed to market the property once vacant.
4. The Respondent's representative submitted that the Respondent suffered from health problems, including depression and anxiety, stomach and bowel problems, and anxiety-related alopecia. A medical report had been requested but was not ready in time for the CMD. The Respondent was actively seeking alternative accommodation but had not yet been successful in finding anything suitable. She has a dog for companionship and is struggling to find pet-friendly accommodation. It was submitted that it was not reasonable to evict the Respondent under the circumstances.
5. The CMD was adjourned and a Hearing fixed to determine if it is reasonable to grant the Order for Repossession.
6. A Hearing took place on 18 February 2022. The Applicant was represented by Ms Donnelly of TC Young, solicitors. The Respondent was represented by Ms Soutter of Shelter Housing Law Service. The Applicant's representative advised that settlement terms had been agreed between the parties. The Respondent's representative confirmed that this was the case. The settlement terms agreed between the parties are as follows:
 - (i) The Respondent consents to the Order for Repossession being granted in terms of Ground 1 under Schedule 3 to the 2016 Act;
 - (ii) The Applicant gives an undertaking that the Order for Repossession will not be enforced for a period of 12 weeks and not before 12 May 2022;
 - (iii) The Applicant will give the Respondent a rent-free period of six weeks;
 - (iv) The Respondent will allow the Applicant access to the Property within the last six weeks of the tenancy for the purposes of the Property being prepared for sale;
 - (v) The Respondent will arrange for the removal of the abandoned vehicle which is situated within the vicinity of the Property by 12 May 2022.

- Reasons for Decision

7. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, and that terms of settlement had been agreed between the parties.

- Decision
8. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Fiona Watson

Legal Member/Chair

Date: 18 February 2022