



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/22/1699

**Re: Property at 20 Kingston Avenue, Glasgow, Strathclyde, G78 3JG (“the
Property”)**

Parties:

**Mr Aldo Buonaccorsi, 10 Little Sammons, Chilthorne Domer, Yeovil, BA22 8RB
 (“the Applicant”) per his agents Clarity Simplicity Ltd., 34, Woodlands Road,
Glasgow G3 6UR (“the Applicant’s Agents”)**

**Ms Ann McLaughlin, 20 Kingston Avenue, Glasgow, Strathclyde, G78 3JG (“the
Respondent”)**

Tribunal Members:

Karen Moore (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the statutory ground for eviction and recovery of
possession having been established, it is reasonable to grant the Order sought
and so the Tribunal granted the Order.**

1. By application received between 6 June 2022 and 6 July 2022 (“the Application”), the Applicants’ Agents applied to the Tribunal for an Order for possession of the Property following the tenancy agreement being brought to an end. The Application comprised copy short assured tenancy agreement between the Parties with an entry date of 2 July 2010, copy Notice to Quit in the correct statutory format bringing the tenancy to an end on 2 June 2022, copy AT6 Notice together with evidence of execution of service of the Notices and copy notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to East Renfrewshire Council, being the relevant local authority. The Application

was accepted by the Tribunal and a Case Management Discussion (the “CMD”) was fixed for 21 October 2022 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, was served on the Respondent by sheriff officer on 7 September 2022.

CMD

2. The CMD took place on 21 October 2022 at 14.00 by telephone. Ms. Anderson of the Applicant’s Agents took part on his behalf. The Respondent did not take part and was not represented. She did not submit any written representations.
3. The Tribunal noted from the Application that the correct statutory procedures had been carried out and asked Ms. Anderson to explain further the background to the Parties. Ms. Anderson advised the Tribunal that the Applicant and his brother owned the Property and intended to sell the Property for personal financial reasons as the rent for the Property no longer covered its running costs and the Applicant required to release capital from the sale of the Property to cover increased costs and refurbishment of his own residence. As far as Ms. Anderson was aware, the Respondent was in receipt of benefits and resided in the Property with her teenage grandson. Ms. Anderson confirmed that the rent, which had not been increased during the tenancy, is paid up to date by way of housing benefit.

Issue for the Tribunal

4. The issue for the Tribunal is to determine if the statutory ground is established and if it is reasonable to grant the Order. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “*may do anything at a case management discussionincluding making a decision*”. The Tribunal took the view that it had sufficient information to make a decision on both the statutory ground and reasonableness and so proceeded to determine the Application.

Findings in Fact

5. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a tenancy of the Property between the Parties;
 - ii) The Applicant has carried out the statutory processes required by the Act to bring the tenancy to an end;
 - iii) The Applicant requires to sell the Property for personal financial reasons.

Decision and Reasons for Decision

6. The Tribunal had regard to all the information before it and to its Findings in Fact and found that the statutory ground is established.

7. The Tribunal then considered if it could be satisfied that it is reasonable to issue an eviction order on account of those facts and on all of the information before it. The Tribunal had regard to the fact that the Applicant requires to sell the Property for personal financial reasons. The Tribunal noted that the Respondent, by her lack of engagement with the tribunal process, has not put forward any objection or opposition to the Application. Accordingly, the Tribunal was satisfied that it is reasonable to issue an 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.

K. Moore

Legal Member/Chair

Date: 21 October 2022