



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/22/3816

Re: Property at Flat 2/2, 1758 Great Western Road, Glasgow, G13 2TL (“the Property”)

Parties:

Miss Sapna Marwaha, 110 Runswick Drive, Nottingham, NG8 1JB (“the Applicant”)

Mr Charles Basedeke Nahimana, Flat 2/2, 1758 Great Western Road, Glasgow, G13 2TL (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 2pm on 6 March 2023, by teleconference. The Applicant was represented on the call by Ms Lauren Donald of Western Lettings Ltd.. The Respondent was on the call in person.

- Findings in Fact

There was no disagreement between the parties on the relevant facts, as follows:

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy with a start date of 5 July 2019.
2. On 30 June 2022, the Applicant served a notice to leave on the Respondent indicating that she intended to rely on Ground 1 of Schedule 13 to the Private Housing (Tenancies) (Scotland) Act 2016 ('Ground 1') in any eviction application to follow (i.e. that she intended to sell the Property).
3. The notice to leave indicated that proceedings would be raised no sooner than 25 September 2022.
4. This application was made on 18 October 2022.
5. On 21 October 2022, the Applicant served a notice under s.11 of the Homeless etc. (Scotland) Act 2003 on the local authority.
6. The Applicant is the owner of the Property.
7. The Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it.
8. The Applicant wishes to sell the property in order to finance a return to Scotland from living abroad.
9. The Respondent has applied for a large number of alternative private lets, including with the letting agent acting for the Applicant, but has been declined.
10. It is unlikely, due to the Respondent's credit score that he will be able to secure alternative accommodation in the private sector.

11. The Respondent is in arrears of rent of £400 and is repaying this in terms of a payment plan agreed with the Applicant.

12. The Respondent has registered with the local authority; but is not currently being treated as at risk of homelessness by them and has not been offered housing yet.

13. The Respondent mostly lives alone; but has two teenage daughters who stay with him at weekends.

14. It is reasonable for an eviction order to be made.

- Reasons for Decision

15. The requirements of Ground 1 have been established by the Applicant. In particular, in relation to reasonableness, the Tribunal, while sympathetic to the Respondent's position, did not consider it would be reasonable to prevent the Applicant from realising the value of the Property in order to fund her return to Scotland because of the difficulties that he is experiencing in arranging alternative accommodation. Absent an order for his eviction, there appears no prospect of these being resolved in the near future. It is however to be hoped that, after the granting of the order, the local authority will treat his case with the urgency that it should have given it following the service of the notice to leave, when he clearly became at risk of homelessness.

- Decision

Eviction order granted.

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.



06 March 2023

Legal Member/Chair

Date