



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) Act 2016.

Chamber Ref: FTS/HPC/EV/22/1177

Re: Property at 21 Commissioner Street, Crieff, PH7 3AY (“the Property”)

Parties:

Mrs Fiona Mary Hogg previously Robinson, 40 Burrell Street, Crieff, PH7 4DG (“the Applicant”)

Mr Paul Wright, Mrs Joanna Wright, 21 Commissioner Street, Crieff, PH7 3AY (“the Respondents”)

Tribunal Members:

Karen Kirk (Legal Member) and Gordon Laurie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Eviction Order against the Respondents. The Tribunal also supersedes Extract for a period of 6 weeks.

Introduction

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for an Eviction Order under 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. Parties were aware of the purpose of the hearing.

Present

Sally McCartney, Kippen Campbell LLP, 48 Tay Street, Perth attended for the Applicant.

Mrs Joanna Wright attended in person and on behalf of her husband the second Respondent.

Preliminary Matter

There were no preliminary matters raised.

The Hearing

For the Applicant

- The Applicant's representative set out that the tenancy between the parties was a PRT. She said the Applicant intends to sell the property and had given the Respondents the necessary 6 months notice. This expired in April 2022 and the Respondents had not removed from the property. The Applicant now seeks an Order for Eviction.
- The Applicant's representative submitted that the Applicant had been in correspondence with surveyors and that Kippen Campbell would be dealing with the sale. The Applicant was unable to afford continuing to own the property and she needs to sell same. The Applicant's representative said that this property was the only property the Applicant rents.

For the Respondents

- The Respondent explained they were approached by the Applicant in April 2020 to rent the property. They discussed the fact it was only on a long term basis that the Respondents would agree to rent same. Parties agreed on same and there were no issues until October 2021.
- The Respondent said they were then advised that due to a change in financial circumstances the Applicant's position changed and she was no longer able to keep the property. The Respondents then received the notice to leave and they attempted to find alternative private accommodation.
- The Respondents have been unsuccessful in securing alternative accommodation and they applied to the Local Authority in October 2021.
- The Respondent explained further that the Local Authority had advised that their application would move forward if an order for eviction was granted.
- The Respondent resides at the address with her husband and 2 sons who are 19 and 26 years. They all work full time and she had MS.
- The Respondent explained they were not objecting to the application

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD, in particular in light of the position of parties. All necessary material was before the Tribunal in order to make a decision.
2. The Respondents entered into a Private Residential Tenancy for the property at 13th June 2020.
3. Ground 1, Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 is established on the basis that the Applicant requires to sell the property.
4. The Respondents did not object to the application for Eviction given the advice they had from the Local Authority.
5. An order for eviction was reasonable.

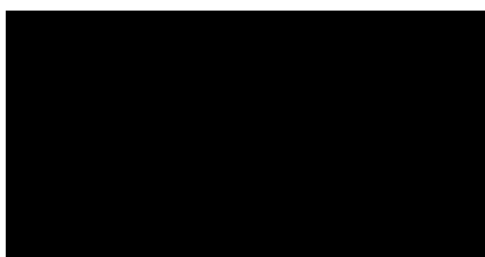
6. The Tribunal in terms of the overriding objective, interest of justice and balancing the interest of both parties determined extract should be superseded for a period of 6 weeks to allow further time for the Respondents to source alternative accommodation

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and the Respondent. The Application was competently lodged and the Applicant sought an Eviction order. The Respondent did not object to same. Relevant documentation showing the Applicant's intention to sell the property was lodged. The Respondents were actively seeking alternative accommodation. The Tribunal considered in balancing the interest of both parties and apply the overriding objective of the Tribunal that it was appropriate to supersede Extract for 6 weeks. The Tribunal therefore granted an Eviction Order on those terms.

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.



Legal Member/Chair

25th July 2022

Date