



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/22/0421

Re: Property at 49/4 Causeyside Street, Paisley, PA1 1YN (“the Property”)

Parties:

Mrs Edith MacLeerie, 16 Invergordon Avenue, Glasgow, G43 2HP (“the Applicant”)

Mr Derek Anderson, 49/4 Causeyside Street, Paisley, PA1 1YN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

[1] Background

The application before the Tribunal was made in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property. The Tribunal intimated the application to the parties by letter of 17 March 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 7 April 2022. No

written representations were received by the Tribunal. The Tribunal observed that sheriff officers successfully intimated the application to the Respondent on 18 March 2022.

The case management discussion

[2] The Applicant was represented by Miss Wooley. The case management discussion proceeded by conference call and in the absence of the Respondent. The Tribunal was advised that the Applicant intend to sell the property in the event of her obtaining vacant possession. The Applicant produced a copy of an agency agreement with Slater Hogg & Howison in relation to the intended sale of the property. The Applicant's representative explained that the Applicant intends to sell this property and also her main residence in order to purchase a more suitable property for her and her husband, due to mobility difficulties. It is believed that the Respondent lives alone at the property and is in receipt of universal credit. Although it is not a ground upon which eviction is sought, the Respondent has incurred rent arrears of approximately £1,000. The Respondent has been cautioned by the police not to contact the Applicant directly as a result of messages previously sent by the Respondent to the Applicant. The Respondent has not made contact with the Applicant's representative. The Applicant relied upon ground 1 of schedule 3 to the Act, namely, that she intends to sell the property. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

[3] Findings in Fact

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 6 July 2018.
- ii. The Applicant's representative served the Notice to Leave on the Respondent by email on 13 August 2021.
- iii. The Applicant intends to sell the property.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent did not lodge any written representations and did not participate in the case

management discussion. The Tribunal was satisfied that ground 1 has been established and that it is reasonable for the Tribunal to grant the 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.



Legal Member/Chair

9 May 2022
Date