



**Decision 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/22/0945**

**Re: Property at 46 Claddens Street, Glasgow, G22 6LX (“the Property”)**

**Parties:**

**Mr Gregg Ferns, Mrs Caroline Ferns, 27 Lennox Road, Lennoxtown, G66 7HW; 27 Lennox Road, Lennoxtown, Glasgow, G66 7HW (“the Applicants”)**

**Miss Amanda Jones, 46 Claddens St, Glasgow, G22 6LX (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**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.**

**Background**

1. The Applicants submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property.
2. By decision dated 20 May 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicants’ representative on 24 May 2022. The Tribunal intimated the application to the parties by letter of 13 June 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 4 July 2022. No written representations were received by the Tribunal.

### **The case management discussion**

4. The case management discussion took place by conference call. The Applicants were represented by Ms Louise Gordon and the Respondent was personally present. The Respondent advised that she lives in the property with her 3 children and 2 dogs; she does not have alternative accommodation to move to. The Respondent has been in touch with her local authority and has been advised that she is not currently treated by the local authority as being homeless. The Applicants' representative explained that the Applicants await vacant possession before taking steps to market the property for sale. The Applicants have indicated that they may wish to instruct 1-4-Sale in respect of the marketing of the property. The Applicants' representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 12 August 2019.
6. The Applicants' representative served the Notice to Leave on the Respondent by email on 23 September 2021.
7. The Applicants intend to sell the property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the written documents which were before it. The Applicants' representative invited the Tribunal to make the Order sought. The Applicants relied upon Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicants intend to sell the property. The application was not opposed. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Respondent did not challenge the reasonableness of an order being granted. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

## **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.**

**Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.**

**Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**



\_\_\_\_\_  
**Legal Member/Chair**

**26 July 2022**  
\_\_\_\_\_  
**Date**