

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/0352**

**Re: Property at 79 Dublin Quay, Irvine, KA12 8PQ (“the Property”)**

**Parties:**

**Mr Norman Rennie, 1 Weavers Court, Fenwick, KA1 6GE (“the Applicant”)**

**Ms Ester Potter, 79 Dublin Quay, Irvine, KA12 8PQ (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the order for recovery of possession of the property.**

**Background**

The Applicant submitted an application seeking an order to evict the Respondent from the property at 79 Dublin Quay, Irvine. The Tribunal issued a letter to the parties dated 24<sup>th</sup> April 2019 advising them of the date, time and place of today's case management discussion. In that letter, the parties were also told that they required to attend the hearing 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. No written representations were received from the Respondent.

**The Case Management Discussion**

The Applicant was personally present and was represented by Mrs Carol Dickie. The case management discussion proceeded in the absence of the Respondent. The Applicant advised the he offered the Respondent assistance in trying to find

alternative accommodation. However, the Respondent did not take up the Applicant's offer of assistance. The Applicant advised the Tribunal that his current home is marketed for sale and he intends to move into the property at 79 Dublin Quay, Irvine as his only and principal home. The Applicant produced the home report which has been prepared in respect of the proposed sale of the property.

### **Findings in Fact**

1. The parties entered into a Tenancy Agreement dated 1<sup>st</sup> February 2018.
2. The Applicant served Notice to Leave on the Respondent on 1<sup>st</sup> November 2018 by sheriff officer.
3. The Applicant intends to move into the property as his only and principal home for a period in excess of 3 months.
4. The Applicant is entitled to the Order sought for repossession.

### **Reason for Decision**

The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the case management discussion. The Respondent was given an opportunity to provide written representations to the Tribunal; she failed to do so and she failed to attend the case management discussion. The Applicant relied upon Ground 4 of Schedule 3 of the 2016 Act. The Notice to Leave had been properly served. The Tribunal was satisfied that Ground 4 had been established.

### **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.**

N.Irvine

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**Legal Member/Chair**

**22<sup>nd</sup> May 2019**  
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**Date**