

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**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/19/1781

**Property Address:** 17 St Andrews Street, Aberdeen AB25 1BQ

**The Parties:** Mr Skea Ross, Mrs Sandra Ross, Tolichte, Cammachmore, Stonehaven, Aberdeenshire AB39 3NR (“the Applicants”)

Mrs Rosemary Ufiegebe, Second Floor Right, 17 St Andrews Street, Aberdeen AB25 1BQ (“the Respondent”)

### **Tribunal Members:**

Mark Thorley (Legal Member)

### **Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted.

### **Background**

1. The applicant applied to the First-tier Tribunal under Rule 109 of the Tribunal Rules. Accompanying the application was a copy of the Tenancy Agreement, copy Notice to Leave and a copy of Notice to the Local Authority. The application was received by the First-tier Tribunal on 10 June 2019.
2. On 16 July 2019 the application was accepted. Intimation of the application was made upon the respondent by letter dated 26 July 2019.
3. Service of the proceedings took place by way of Sheriff Officers.
4. No written representations have been made by the respondent.

### **Case Management Discussion**

1. At the case management discussion the applicant attended.
2. No written representations were made by the respondent.

3. At the case management discussion Mr and Mrs Ross the applicants attended. Mrs Ufiegbe the respondent also attended.
4. At the case management hearing it was accepted that the property was already on the market.
5. The respondent indicated that she was willing to move but that she needed an order from the Tribunal to assist her with obtaining further housing. She accordingly did not oppose the order being granted.

### **Findings in Fact**

1. That a Private Rented Tenancy Agreement was constituted between the applicant and the respondents commencing on 2 January 2019.
2. That the applicants wish to sell the property.
3. The applicants have provided the respondents with the appropriate notice to leave the property.
4. An order for eviction was granted.

### **Reasons for decision**

1. It was accepted that the applicants wish to sell the property. At present the property was being marketed for sale.
2. The respondent explained that she required an order from the Tribunal in order to obtain housing. She did not oppose the granting of the order.
3. The applicants simply confirmed that they were intending on selling the property.

### **Decision**

An order for eviction was 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.**

**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 of receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.**

Mark Thorley

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Legal Member

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Date

6 September 2019