



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/23/1506

Re: Property at 52 John Neilson Avenue, Paisley, PA1 2SX (“the Property”)

Parties:

Mr Alistair Wardrop, 2230 Hummingbird Way, Ontario, Canada (“the Applicant”)

Mr Jack Loughlin, Miss Leigh Patterson, 52 John Neilson Avenue, Paisley, PA1 2SX (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 10th May 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 27th September 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 2nd November 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 18th October 2023.
3. On 28th September 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 28th September 2023.

4. On 2nd November 2023 at 10.41am, the First Named Respondent emailed the Housing and Property Chamber to advise that a member of their family had become ill and this meant that the Respondents would not be able to attend. It was also stated that the Respondents were scheduled to move into their new property on 7th November 2023. They have given a 28 day notice to the Applicant which expires on 21st November 2023.

The Case Management Discussion

5. A CMD was held on 2nd November 2023 at 2pm by teleconferencing. The Applicant was represented by Mr Craig Watson, Lettings Manager, LM Properties. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
6. Mr Watson said that the Respondents have handed in their notice. They had requested that the Applicant accepted a shortened period of notice. This was refused by the Applicant so the notice period extends beyond the date that their new property is available.
7. The Tribunal asked if there are any issues with the Respondents which has prompted the Applicant to sell the Property. Mr Watson said that the Respondents have been good tenants without any issue. He previously let another property to the Respondents. There are only arrears for past month which the Respondents have explained is due to their moving costs. They are going to be in contact with Mr Watson about it. The deposit remains should there be no other issues at the end of the tenancy. Mr Watson is not concerned about this as he is sure that it will be resolved. Mr Watson said that he believed that the Applicant is looking to sell the Property to alleviate his own financial pressures. Mr Watson did not know if the Applicant owns any other properties.
8. Mr Watson said that the Respondents live in the Property with their three children who are aged from pre-teen to approximately 17 years old. The Property has not been adapted.
9. The Tribunal were satisfied that there were no issues of reasonableness to prevent an order being granted.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 23rd August 2022.
11. The Applicant intends to sell the Property. This was evidenced by a letter from solicitors confirming that they will act on his behalf for the sale of the Property.
12. There are no other outstanding issues with the Respondents that has triggered the Applicant to wish to sell the Property. The Applicant is seeking to sell the Property to alleviate his own financial pressures.

13. The Respondents have a new property. They are going to move into it on 7th November 2023.

14. There were no issues of reasonableness before the Tribunal that it considered would prevent an order for eviction being granted.

Decision

15. The Tribunal found that ground 12 has been established and granted an order in favour of the Applicant.

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.

G Miller

2nd November 2023

Legal Member/Chair

Date