



**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/23/2537**

**Re: Property at 39 Watson Street, Aberdeen, AB25 2QB (“the Property”)**

**Parties:**

**Ms Anna Morrissey, Chalet Champlain, Planchamp, Villaroger, Rhone- Alps, 73640, France (“the Applicant”)**

**Mr Piotr Dzwigala, Miss Jennifer Hodgson, 39 Watson Street, Aberdeen, AB25 2QB (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Mike Scott (Ordinary Member)**

**Decision**

**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 28<sup>th</sup> July 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 13<sup>th</sup> September 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 23<sup>rd</sup> October 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 4<sup>th</sup> October 2023.

3. On 13<sup>th</sup> September 2023, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents by letterbox service. This was evidenced by Certificates of Intimation dated 13<sup>th</sup> September 2023.

#### The Case Management Discussion

4. A CMD was held on 23<sup>rd</sup> October 2023 at 2pm by teleconferencing. The Applicant was represented by Mrs Claire Mullen, Solicitor, TC Young. The Second Named Respondent appeared for both Respondents. There were no submissions lodged by the Respondents prior to the CMD.
5. Mrs Mullen said that she was seeking an order under ground 1. The Applicant intends to sell the Property once she has vacant possession. The Respondent has owned this Property since 2015. The only other property that she owns is the one she co owns with her husband in France. She is now settling in France. She no longer wishes to be a landlord. The Applicant has found the financial constraints upon owning two properties has limited her abilities to focus upon her continued plans to settle in France. There are no issues with rent arrears. This application has not been raised with the view to removing the Respondents other than to allow the Applicant to relieve her of her financial obligations in the UK.
6. Ms Hodgson said that she did not oppose an order being granted. She wished to apologise to the Applicant about not being able to move out of the Property yet. She said that the Respondents have always had a good relationship with the Applicant. It is the Respondents intention to move out of the Property as soon as they find alternative accommodation. Mr Dzwigala has just started a new job in Leeds (on the day of the CMD). The Respondents have not decided upon where they are going to locate. They are considering this and looking for alternative accommodation.
7. The Tribunal considered it appropriate to grant an order for eviction as the granting of an order is not opposed and there are no issues of reasonableness to prevent an order being granted.

#### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 24<sup>th</sup> February 2021.
9. The Applicant intends to sell the Property as she has fully relocated to France.
10. The Respondents do not oppose an order being granted.
11. The Tribunal granted an Order for eviction as it did not consider that there were any issues of reasonableness before it that should prevent an order being granted.

## Decision

12. The Tribunal found that ground 1 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.**



**23<sup>rd</sup> October 2023**

---

**Legal Member/Chair**

---

**Date**