



**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/23/1453**

**Re: Property at 37 Glenalmond, Whitburn, EH47 8PD (“the Property”)**

**Parties:**

**Miss Heather Keith, 23/9 The Flying Scotsman Way, Prestonpans, EH32 9GE (“the Applicant”)**

**Jade McCormack, Leon Pringle, 37 Glenalmond, Whitburn, EH7 8PD (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)**

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

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

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondents from the property.
2. By decision dated 7 August 2023, a Convenor of the Housing and Property Chamber, having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 9 August 2023. The Tribunal intimated the application to the parties by letter of 15 September 2023 and advised them of the date, time and conference call details of today’s case management discussion (“CMD”). 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 Respondents were invited to make written representations by 6 October 2023. No written representations were received.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant took part in the conference call and represented herself. The Respondents did not join the conference call and the discussion proceeded in their absence.
5. The Applicant explained that she intends to sell the property as soon as possible. She is living in rented accommodation at the moment and her rent has increased. In addition, the monthly payments in respect of the mortgage over the property have increased. The Applicant is concerned that if there are any repairs required at the property, she cannot afford to have them carried out. The Applicant intends to sell the property and cease activities as a landlord. The Respondents are believed to be in employment and do not have any dependents.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 8 November 2018.
7. The Applicant's representative served a Notice to Leave on the Respondent by sheriff officer on 6 February 2023.
8. The Applicant intends to sell the property.

### **Reason for Decision**

9. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD.
10. The Respondents did not participate in the CMD and did not lodge any written representations. The Applicant gave an explanation as to why she intends to sell the property. She no longer wishes to be a landlord.
11. The Tribunal was satisfied that ground 1 was established and that it was reasonable in all the circumstances to grant an order for eviction. There was insufficient evidence to establish ground 1A.

### **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.



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Legal Member/Chair

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Date 26 October 2023