



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/23/2881

Re: Property at 33 Mossbank, Cowdenbeath, Fife, KY4 9RR (“the Property”)

Parties:

Mr Alan Sambridge, 58 The Castings, Dunfermline, KY12 9AU (“the Applicant”)

Mr Gordon Penman, 33 Mossbank, Cowdenbeath, Fife, KY4 9RR (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Gordon Laurie (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Possession against the Respondent.

1. This is an application under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for an Order for possession.
2. The Applicant is the owner of the property. The Respondent is the tenant.
3. A two-member Case Management Discussion (CMD) took place at 2.00 pm on 1 December 2023 by teleconference. The Applicant was represented by Miss Ilonka, instructed by Rollos Law LLP. The Respondent represented himself. There were no issues with sound and connectivity.
4. The Applicant needs to sell the property as he can no longer afford to run it as a business due to the increase in interest rates and other costs associated with management of the property. Instructions have been given to Rollos Estate Agents to market the property if an order is granted.
5. Mr Penman said that the Applicant has been a good landlord and he understands his position. He has notified the local authority that he may be

made homeless and they have informed him to let them know if an order is granted, at which time they will progress the application for housing. This leaves Mr Penman feeling uncertain about his future but he understands the situation he finds himself in.

6. Mr Penman is 64 years old and his wife is 61. Mr Penman works full-time and his wife works part time. His wife suffers from physical disablement because of fibromyalgia.
7. The Applicant has a portfolio of properties but is looking to dispose of them as he no longer wishes to be a landlord. He has instructed the sale of a number of properties already. He receives rent in the sum of £550 per month. The mortgage on the property is £647 and he has contents and buildings insurance cover on top. This means that he is making a loss he can no longer sustain and has resulted in his decision to leave the rental market.
8. Mr Penman has always paid his rent on time and maintained the property to a good standard. There is no criticism of his occupation of the property.
9. Having regard to all the information before us, individually and together, we were satisfied that the making of an Order for Possession was reasonable in all of the circumstances.
10. Accordingly, the Order 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 for receipt of an application for permission to appeal begins

V. Bremner

L.A. Mullholland

Legal Member/Chair

Date

