



Decision with Statement of Reasons 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/23/2062

Re: Property at 1-2 36 Luggiebank Road, Kirkintilloch, Glasgow, G66 1LR (“the Property”)

Parties:

Mr Mark Phinn, 51 Wades Circle, Inverness, IV2 5JG (“the Applicant”)

Miss Sharon Knowles, 1-2 36 Luggiebank Road, Kirkintilloch, Glasgow, G66 1LR (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under grounds 1, 11 and 12 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, evidence of compliance with s11 of the Homelessness (etc) (Scotland) Act 2003 and The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020. There is also some evidence of an intention to sell the Property and the Respondent having breached a condition of the tenancy agreement by smoking in the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 30 November 2023. The Applicant was represented by Ms Cook of Coda Estates. There was no appearance by or on behalf of the Respondent. The Application and information about how to join the conference call had been served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondents. Having heard from Ms Cook, The Tribunal made the following findings in fact:

Findings in Fact

- I. *The parties entered into a tenancy agreement in which the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The Applicant wishes to sell the Property;*
- III. *The Applicant competently served a notice to leave on the Respondent under ground 1 and also grounds 11 and 12;*
- IV. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- V. *The Respondent has not engaged with the Tribunal process;*

- VI. *The Applicant is paying more out on the secured loan over the Property each month than is being received as rent. The Applicant no longer wishes to be a landlord. Ground 1 of Schedule 3 of the Act is established.*
- VII. *It is reasonable that an Eviction Order is made.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal granted the Application under Ground 1. Having done so, and with the consent of the Applicant, the Tribunal did not consider it necessary to make any findings in respect of grounds 11 and 12.

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.

A McLaughlin

Legal Member/Chair

30 November 2023

Date

