



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/23/2438

Re: Property at 11 Fyne Road, Broughty Ferry, Dundee, DD5 3JF (“the Property”)

Parties:

Ms Lindyanne Alexander, Cotton of Brighty, Dundee, DD4 0PU (“the Applicant”)

Ms Christina Harrison, 11 Fyne Road, Broughty Ferry, Dundee, DD5 3JF (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

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 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 31 October 2023 informing both parties that a CMD had been assigned for 12 December 2023 at 2pm, which was to take place by conference call. 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 Respondent was invited to

make written representations by 21 November 2023. No written representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant joined the conference call and represented herself. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant explained that her financial circumstances have changed and she is no longer able to afford to keep and maintain the property. The Respondent is believed to be in employment and has one teenaged daughter living with her along with an adult son. The Applicant believes that the Respondent has been in contact with the local authority but alternative accommodation has not yet been identified. The Applicant has notified the local authority of these proceedings by serving a notice as required in terms of section 56(1) of the Private Housing (Tenancies) (Scotland) Act 2016.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 May 2020.
6. The Applicant served Notice to Leave on the Respondent by email on 4 April 2023.
7. The Applicant intends to sell the let property.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant proceeded on the basis of ground 1. The Applicant produced documentation demonstrating that she has instructed a solicitor in connection with the proposed sale of the property. The Respondent did not lodge any written representations and did not participate in the CMD. The Tribunal was satisfied that ground 1 had been established and that it was reasonable to grant the order sought.

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.



Legal Member/Chair

12 December 2023

Date