



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/23/3242

Re: Property at 5/7 Herald Building, 145 Albion Street, Merchant City, Glasgow, G1 1QT (“the Property”)

Parties:

Mr Tahir Akram, 5 Stourton Avenue, Middlesex, TW13 6LA (“the Applicant”)

Mr Adam Scoular, 156D East Kilbride Road, East Kilbride, G74 4PB (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicant.

Background

The Applicant is the owner of the Property. The Applicant is the landlord and the Respondent is the tenant in terms of a private residential tenancy agreement in respect of the Property dated 22 March 2023.

The Case Management Discussion

A Case Management Discussion (CMD) took place by telephone conference call on 13 December 2023. The Applicant was represented by his letting agent, Miss Reilly. The Respondent was present. The Applicant asked that the order for eviction was granted. This was on the basis that the Applicant wishes to sell the Property. He relies on Ground 1 of schedule 3 to the 2016 Act.

The Applicant has lodged with the Tribunal a contract between him and Rettie & Co dated 15 June 2023 for them to market the property for sale. He has also lodged evidence that the Applicant has significant mortgage payments and factors' fees to pay in respect of the Property. Evidence of the Property having been sub-let on Air BnB during the term of the tenancy was also produced.

The Respondent has confirmed that he had problems with the Property from the outset. In particular, there was a problem with the bathroom plumbing. A leak had damaged the floor. He had been dissatisfied with the Applicant's response. He had moved out shortly after first taking occupation and had not lived in the Property since. He has sub-let the Property using Air BnB. He confirmed that he has no information to cast doubt on the Applicant's assertion that he wishes to terminate the tenancy to sell the Property. He confirmed that he does not oppose the Application.

Findings in Fact

The Applicant is the owner of the Property.

The Applicant is the landlord and the Respondent is the tenant in terms of a private residential tenancy agreement in respect of the Property dated 22 March 2023.

The Respondent commenced occupation on 23 March 2023.

The Respondent was unhappy at the condition of the Property. He considered it uninhabitable and moved out shortly after the tenancy began.

The Respondent has sub-let the Property to third parties on Air BnB.

The Respondent does not live in the Property.

The Respondent stopped paying rent in September 2023.

The Applicant wishes to sell the Property.

The Applicant has served a Notice to Leave upon the Respondent dated 19 June 2023.

The Applicant has entered into a contract with Rettie & Co dated 15 June 2023 for them to market the Property for sale.

The Applicant has significant liabilities relating to a mortgage and factors' fees relating to the Property.

Reasons for Decision

The Tribunal considers that the Applicant has satisfied the requirements of Ground 1 of schedule 3 to the 2016 Act. It would be reasonable to grant an order for

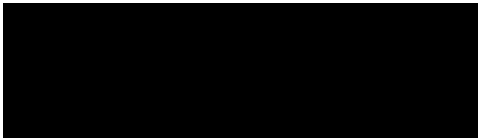
possession of the Property in favour of the Applicant in the circumstances. The Applicant would suffer financial detriment were the order not to be granted in circumstances where no rent is being paid and he has ongoing significant costs relating to the Property. The Respondent does not occupy the Property and there would appear to be no adverse consequences to him in the application being granted.

Decision

An order for possession of the Property will be made 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.



Legal Member/Chair

14 December 2023

Date