



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/23/2871

Re: Property at 26/8 Hailesland Gardens, Edinburgh, EH14 2QD (“the Property”)

Parties:

CCT Holdings Ltd, 65 Sibbald View, Bathgate, EH48 2TG (“the Applicant”)

Miss Ewa Zaj, Mateusz Krzeszewski, 26/8 Hailesland Gardens, Edinburgh, EH14 2QD (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (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 for an order to evict the Respondents 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 27 October 2023 informing both parties that a CMD had been assigned for 7 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 Respondents were invited to

make written representations by 17 November 2023. No written representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant was represented by Mr James MacDonald. The Respondents did not join the conference call and the discussion proceeded in their absence. The Applicant's representative explained that there are substantial repairs required to the property which the Applicant cannot afford. The local authority has indicated an intention to purchase the property but requires vacant possession. The Applicant's representative has attempted to contact the Respondents to find out whether they have secured alternative accommodation. It is understood that the Respondents have been in contact with the local authority but that alternative accommodation has not yet been secured. The Respondents are believed to be in employment and do not have any dependents.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 15 August 2022.
6. The Applicant served Notice to Leave on the Respondents by email on 20 March 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 the local authority has offered to purchase the property but that offer is contingent on vacant possession being obtained. The Respondents 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

07 December 2023

Date