



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/23/3291

Re: Property at 60 Eastern Avenue, Largs, KA30 9EQ (“the Property”)

Parties:

Ms Lyn McDonald, 12 Newhaven Grove, Largs, KA30 8NS (“the Applicant”)

Ms Tracy Hart, 60 Eastern Avenue, Largs, KA30 9EQ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

1. An application was received by the Housing and Property Chamber dated 19th September 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 14th November 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th January 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 5th December 2023.
3. On 16th November 2023, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 16th November 2023.

4. On 5th January 2023, Mr Alister Meek, Advice and Information Department, CHAP emailed the Housing and Property Chamber advising that he has been appointed as the Respondent's representative and that the Respondent is not opposing an order being granted.

The Case Management Discussion

5. A CMD was held on 10th January 2023 at 2pm by teleconferencing. The Applicant was represented by Ms Andrea Bell, Acre Lettings Limited. The Respondent was not present but was represented by Mr Alister Meek, CHAP
6. Ms Bell said that there have been no issues with the Respondent during the tenancy. She has no arrears. She has been a model tenant. She would be happy to let another property to her if there was one that she felt was suitable. Ms Bell understands that the Respondent is looking to be rehoused by her local authority for a secure tenancy.
7. Mr Meek confirmed that the Respondent is not opposed to an order being granted. He also confirmed that the Respondent was looking to be rehoused by her local authority and has been in discussions with them. She would not be offered a property until an order was granted. He noted that this case was under the Cost of Living (Tenant Protection)(Scotland) Act 2022 which meant that any order would not be able to be enforced until 31st March 2024. This should be ample time for the Respondent to be offered alternative accommodation by her local authority. Mr Meek confirmed that although the Respondent has children she does not have any vulnerabilities. She is willing to move within her local authority and is not restricting herself to the area that she currently lives in.
8. The Tribunal was satisfied that it was appropriate to grant an order for eviction and that there were no issues of reasonableness preventing an order being granted.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 27th November 2019.
10. The Applicant now wishes to sell the Property as she wishes to retire from being a landlord.
11. There are no issues with the Respondent as a tenant.
12. The Respondent is not opposed to an order being granted.
13. There are no issues of reasonableness to prevent an order being granted.

Decision

14. The Tribunal found that ground 1 has been established and granted an order 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

10 January 2024

Date