



**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/23/1603**

**Re: Property at 7 Ledi Road, Glasgow, G43 2BJ (“the Property”)**

**Parties:**

**Mr George Ford, Mrs Helen Flannagan, 66 Priorwood Road, Newton Mearns, G77 6ZZ; 9 Ledi Road, Newlands, Glasgow, G43 2BJ (“the Applicant”)**

**Mr John Anunobi, Mrs Ameze Anunobi, Mr Nnamdi Anunobi, 7 Ledi Road, Mansewood, Glasgow, G43 2BJ; 7 Ledi Road, Glasgow, G43 2BJ; 7 Ledi Road, Glasgow, G43 2BJ (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Melanie Booth (Ordinary Member)**

**1. Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the eviction of the Respondent from the property be made on the ground that the Applicant intends to put the property up for sale within three months of the Respondent ceasing to occupy it and it is reasonable in all of the circumstances that the order is made.**

**2. Background**

This was an Eviction application in terms of rule 109 of the First-tier Tribunal Housing and Property Chamber (Procedure) Regulations (‘the rules’) and section 52 of the Private Housing (Tenancies) (Scotland Act 2016, (‘the Act’). The Applicants attended. The first named Respondent attended. The first and third named Respondent were represented by Ms Charis Brooks Solicitor of the Govan Law Centre. A case management discussion took place on 6 October 2023 and the application was adjourned to a hearing due to take place today.

### **3. Preliminary matter**

Ms Brooks advised that there has been a change in the Respondent's circumstances. They have secured alternative accommodation and intend to vacate the property in February 2024 to move into the new accommodation. The eviction application is therefore no longer opposed. The applicant invited the Tribunal to grant the eviction on the basis that it is reasonable to do so in all of the circumstances.

4. The Tribunal had before it the following documents:

- Application for eviction dated 25 April 2023.
- Land certificate.
- Notice to leave dated 1 December 2022.
- S11 notice.
- Proof of service of the notice to leave.
- Tenancy agreement.
- Estate Agency Agreement dated 25 April 2023.
- Email from the first and third respondents solicitor with submission.
- Email from Respondent's solicitor with medical evidence.
- Report from Colin McKinley of Peter Cox dated 28 November 2023.
- Email from Applicant with medical evidence dated 27 October 2023 and 23 December 2023.

### **5. The Applicants position**

The Applicant wishes to sell the property. They are both elderly (81 and 77 respectively) and no longer feel able to deal with all that renting out a property requires. The first named Applicant has health problems. This is the only property that they rent out. The property was their mother's and when she died renting it out seemed a better option than selling. The Respondents are their first tenants. A repairing standard enforcement order ('RSEO') was granted over the property in April 2023 and they have been endeavouring to comply with it since then. The first named applicant's health has been adversely affected by the worry anxiety over the RSEO and the eviction proceedings.

### **6. Findings in fact**

- The Applicant is the owner of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 27 September 2018.

- The Respondent was served with a valid notice to leave on 1 December 2022.
- The Applicant intends to sell the property.
- The Applicant has entered into a contact with Slater Hogg and Howsion dated 25 April 2023 to sell the property.
- The Applicant intends to put the property up for sale within three months of the Respondent ceasing to occupy it.
- The Respondent has found alternative accommodation and intends to vacate the property in February 2023.
- The first named Applicant's health has been adversely affected by the stress of the eviction process.

## **Reasons**

7. There is a considerable history between the parties as an earlier eviction application on ground 3 (landlord intends to refurbish) was refused and in April 2023 a RSEO was granted due to dampness. That matter appears to be ongoing. The eviction application is no longer opposed as the Respondent has managed to find alternative accommodation which meets the family's needs. The Applicant has produced medical evidence which shows that he has consulted his GP regarding the stress and anxiety of the eviction process. He has been prescribed medication.

8. The Tribunal was satisfied that there is evidence in support of the eviction ground. The Applicant entered into a contract with Slater Hogg and Howison in March 2023 and the Applicant has consistently stated throughout this process that they wish to sell. The Tribunal was also satisfied that it is reasonable in all of the circumstances that the eviction is granted given the Applicant's wish to sell and the fact that the Respondent is no longer opposed to it. The Tribunal decision was unanimous.

## **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.**

**Lesley A Ward  
Legal Member**

**12 January 2024  
Date**