



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/23/3204

Re: Property at 1./2 53 Motehill Road, Paisley, PA3 4SX (“the Property”)

Parties:

Mr Hendrik Lambrecht, Balvonie House Halketburn Road, Skelmorlie, PA17 5BP (“the Applicant”)

Ms Isobel White, 1./2 53 Motehill Road, Paisley, PA3 4SX (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent and that the Private Residential Tenancy between the parties shall end on the earlier of (a) the day following the end of a period of 6 months beginning with the day on which this order was granted as specified above, or (b) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022.

Statement of Reasons

1. This Application called for its Case Management Discussion on 14 February 2024. The Applicant was represented by Mrs McLelland. The Respondent was not present or represented.
2. In this Application, the Applicant seeks an eviction order. He says that he intends to sell the Property. Mrs McLelland explained that the Applicant has been letting properties as a business for around twenty years. He now wishes to retire. Over the past four years he has gradually been liquidating his assets.

He has sold nineteen properties, and has a further fifteen to realise. The Property is the latest asset to be made available for sale in the portfolio.

3. Mrs McLelland explained that the Applicant has been trying to support his tenants as they vacate, and has helped source alternative accommodation for some. In the case at instance, the Property has not been adapted for use by the Respondent. She lives alone at the Property. Mrs McLelland advised that the Respondent has indicated that she needs the Tribunal process to run its course, and an eviction order to be granted, before her housing needs will be prioritised by the local authority.
4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a decision; which includes the need to avoid unnecessary delay.
5. The Respondent has received notice of the CMD and has neither attended nor arranged attendance. In the circumstances, it appears that the Application is not opposed by the Respondent. In all of the circumstances, the Tribunal is satisfied that the Applicant intends to sell the Property and that it is reasonable to grant the eviction order. The Tribunal will grant the order.
6. For the purposes of section 51(4) of the Private Housing (Tenancies) (Scotland) Act 2016, the Private Residential Tenancy between the parties will terminate on the earlier of (a) the day following the end of a period of 6 months beginning with the day on which this order was granted as specified above, or (b) the expiry or suspension of Paragraph 1 of Schedule 2 of the Cost of Living (Tenant Protection) (Scotland) Act 2022.

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.

Andrew Upton

14/02/2024

Legal Member/Chair

Date

