



**Decision 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/23/3508

**Re: Property at 3/1 11 Naseby Avenue, Broomhill, Glasgow, G11 7JQ (“the
Property”)**

Parties:

**Miss Honor Friery, 2 Dean Close, Dean Court Road, Rottingdean, Brighton,
England, BN2 7DH (“the Applicant”)**

**Mr Christopher Bryers, 3/1 11 Naseby Avenue, Broomhill, Glasgow, G11 7JQ
 (“the Respondent”)**

Tribunal Members:

Richard Mill (Legal Member) and David Wilson (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 be granted against the respondent**

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.

Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 21 December 2023.

The CMD took place by teleconference on 14 February 2024 at 2.00 pm. The applicant joined the hearing and was represented by Mr Martin Urquhart of D J Alexander. The respondent failed to participate in the hearing.

Findings and Reasons

The property is Flat 3/1, 11 Naseby Avenue, Glasgow G11 7JQ. The applicant is Miss Honor Friery who is the heritable proprietor of the property and the registered landlord. The respondent is Mr Christopher Bryers.

The parties entered into a private residential tenancy in respect of the property which commenced on 2 December 2019. The rent was £875 per month.

The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to sell the let property.

The relevant notice period under ground 1 is one of 84 days. The notice to leave relied upon in this case is dated 13 June 2023 and stipulates that the earliest an application be submitted to the tribunal would be 8 September 2023. There is evidence that the notice to leave was served by email on the date that it is dated. The notice to leave is therefore valid.

The tribunal found the applicant to be credible and reliable and attached weight to her own evidence in support of the ground for eviction. She explained the circumstances surrounding her motivation to sell the property. She has a mortgage over the let property and the interest rate has recently tripled. There has been an inability to increase the rent due to statutory restrictions. The rent no longer covers the mortgage payments. Additionally, the mortgage which the applicant and her partner have over their own property which they live in is due to rise significantly in a couple of months. The applicant's partner suffers from ill health, having had a heart attack in 2022. The applicant needs wishes to reduce the financial burden upon her and her partner.

The tribunal found ground 1 established and proceeded to consider the issue of reasonableness of granting the eviction order.

The respondent has not opposed the application. Little is known about him. He has not engaged in the process. He has no known dependants and no known disabilities or other vulnerabilities.

A relevant section 11 notice has been issued to the relevant local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

14 February 2024

Legal Member/Chair

Date