

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/23/4197

Property : 251 Liberton Street, Glasgow G33 2HR ("Property")

Parties:

**Sharon Haffey (Formerly McNally), 29 Lynden Gate, Portadown, Craigavon BT63
5YH ("Applicant")**

**TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA ("Applicant's
Representative")**

John Lawson, 251 Liberton Street, Glasgow G33 2HR ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

Eileen Shand (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber)
("Tribunal") determined to make an order for possession of the Property.**

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 28 November 2019; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 March 2023 ("Notice to Leave"); Royal Mail proof of delivery of the Notice to Leave on 18 March 2023; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 21 November 2023; copy letter from Levy & McRae, Solicitors dated 19 November 2023 regarding the sale of the Property and sheriff officer's execution of service certifying service of the Application on 1 February 2024.

Case Management Discussion

A case management discussion ("CMD") took place before the Tribunal on 18 March 2024 by teleconference. Simone Callaghan of the Applicant's Representative was in attendance. There was no appearance by the Respondent. Ms Callaghan told the Tribunal that the relationship between the letting agent and the Respondent had broken down and there had been no recent contact. She said the rent was paid mainly by housing benefit and that the arrears were £88.56. Ms Callaghan told the Tribunal that the Respondent was unemployed and lives in the Property with his grown up daughter and her young child. She told the Tribunal that the Applicant wished to sell the Property in order to repay money borrowed from her family. She said she was not aware of family members living in the Property having any vulnerabilities or of the Property having any adaptations.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 28 November 2019.
2. A Notice to Leave was served on the Respondent by recorded delivery post on 18 March 2023. It stated that an application for an eviction order would not be submitted to the Tribunal before 14 June 2023.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 21 November 2023.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that she sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell. The evidence lodged with the application of intention to sell was a copy of a letter from Levy & McRae, solicitors dated 19 November 2023 regarding the sale of the Property. The Tribunal considered the evidence provided and determined that the ground for eviction had been established. The Tribunal considered the oral representations of the

Applicant's Representative and, in the absence of a submission from the Respondent, determined that it was reasonable to grant an order for eviction.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.



**Joan Devine
Legal Member**

Date : 18 March 2024