



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/4036**

**Re: Property at 49 Innes Street, Inverness, IV1 1NR (“the Property”)**

**Parties:**

**Mr David Ferguson, Mrs Morag Ferguson, Culcharry House, Culcharry, Nairn, IV12 5QY (“the Applicant”)**

**Mr Mariusz Bryla, 49 Innes Street, Inverness, IV1 1NR (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Frances Wood (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted.**

**Background**

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) by application dated \*\* 2023. The application for eviction was based on the applicant wishing to sell the property. The application was accompanied by certain documentation including the Private Residential Tenancy Agreement, Section 11 Notice and Notice to Leave.

2. The application was acknowledged on 15 November 2023. Further information was sought by the Tribunal on 6 December 2023. That documentation was provided and on 12 January 2024 the application was accepted for determination.

**Case Management Discussion**

3. At the case management discussion Mrs Cochrane attended on behalf of the applicant and the respondent attended as well.

4. The respondent was asked whether he opposed the application. His position was that he did not. He had been to Highland Council and was looking for alternate accommodation. At the present he is not working. He is on universal credit. He has a health condition which is preventing him from working. He hasn't worked for the last five months though he would like to get back to work when possible. He has high blood pressure.

5. He wants a decision from the Tribunal in order that he can take that to Highland Council who will in turn rehouse him. He does not require specially adapted housing though might have some difficulties with climbing stairs. He accepts that rehousing may well be temporary housing at this stage.

6. He was formerly a kitchen assistant but that job does not exist any longer. He is not in arrears of rent.

7. The Tribunal enquired of Mrs Cochrane about the basis upon which the applicant sought to sell. The applicant apparently had several other properties within this block which are all bedsits. They have been sold. The applicant is in retirement and wishes to dispose of what housing stock they have left. There is one other property beyond this. They have sold properties over the last two years. There was a private purchaser who was going to buy the property but is no longer interested so the property is going to go on the open market.

### **Findings in Fact**

8. The parties entered into a Private Residential Tenancy Agreement for the property at 49 Innes Street, Inverness by Private Residential Tenancy Agreement dated 19 November 2020.

9. The applicant wishes to sell the property and has instructed Ledingham Chalmers to sell the property. The applicant is in retirement and has disposed of several other properties within the block.

10. The tenant wishes to obtain alternate accommodation.

### **Reasons for decision**

11. The respondent did not oppose the application. The respondent was clear that what he needed was a decision from the Tribunal in order to take to Highland Council such that he could be rehoused.

12. The respondent was not in rent arrears but was in receipt of universal credit at this time.

13. The Tribunal accepted the evidence that had been provided in advance in writing namely the instruction of Ledingham Chalmers to sell the property. The Tribunal also accepted the oral evidence provided by Mrs Cochrane to the extent that the respondent had disposed of a variety of other properties within the same block because they were in retirement and wished to realise their assets and no longer be a landlord. This was a remaining property. It was bedsit accommodation. They had

lined up a private purchaser but the private purchaser had pulled out because of the time it had taken. They were going to expose the property on the open market. The Tribunal accepted all of that. The Tribunal accepted there was a reason to sell.

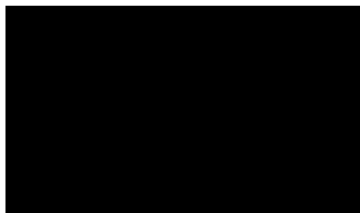
14. In terms of reasonableness the respondent is 51. Although he has not got great health at the moment the property is not adapted. He will obtain alternate accommodation from Highland Council. He did not dispute the applicant's reason for selling.

### **Decision**

To grant an order for eviction.

### **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**

**2 April 2024  
Date**