



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 and Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”)

Re: Property at 27 David Gray Drive, Kirkintilloch, Glasgow, G66 3SG (“the Property”)

Parties:

Mr James McKechnie, 15 Hayston Road, Carrickstone, Cumbernauld, Glasgow, G68 0BS (“the Applicant”)

Ms Lorraine Houston, 27 David Gray Drive, Kirkintilloch, Glasgow, G66 3SG (“the Respondent”)

Tribunal Members:

**Ms. Susanne Tanner K.C. (Legal Member)
Mr. Angus Lamont (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”):

(1) was satisfied that Ground 1 in Schedule 3, Part 1 to the 2016 Act was established by the Applicant, in that on the day the tribunal considered the application for an eviction on its merits: the Landlord intends to sell the Let Property for market value, or at least put it up for sale within three months of the Respondent ceasing to occupy it; and that it was reasonable to make an eviction order in the circumstances; and made an order for eviction in terms of Section 51 of the 2016 Act;

(2) The decision of the tribunal was unanimous.

Statement of Reasons

Procedural Background

1. The Applicant made an application to the tribunal on 4 January 2024 in terms of Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (“the 2017 Rules”).
2. The Applicant provided the following documents in support of the Application:
 - 2.1. Copy Private Residential tenancy agreement;
 - 2.2. Notice to Leave with proof of service; and
 - 2.3. Section 11 Notice with proof of service.The Application also listed a letter from an estate agent but this was not included in the tribunal’s papers.
3. The tribunal’s administration obtained a copy of the Title Sheet for the Property which showed the Applicant is one of the registered proprietors of the Property. The Applicant provided written confirmation from the joint registered proprietor that she provides her consent to the Applicant making the Application to the tribunal.
4. The application was accepted for determination on 1 February 2024 and the tribunal sent letters of notification to all parties with the date, time and arrangements for joining the Case Management Discussion (“CMD”) in relation to the Application. The Application paperwork was personally served on the Respondent by Sheriff Officers on 26 March 2024.
5. The Respondent did not submit any opposition or defence to the Application or make any contact with the tribunal following service of the Application paperwork and notification.

CMD: 30 April 2024, 1400h, Teleconference

6. Mr McKechnie, the Applicant attended.
7. Ms Houston, the Respondent attended.
8. Mr McKechnie said that he is seeking an eviction order today on the basis that he and his wife intend to sell the property as soon as possible after getting vacant possession of the Property. The Applicant is 71 and his wife is 75 and they wish to sell the Property as they no longer want to be landlords. They have instructed Coda

Estate Agents in Lenzie and they have been provided with a quotation. The estate agent has just sold another property for the Applicant. The Home Report will be instructed once the property is empty.

9. Ms Houston confirmed said that the application for eviction is not opposed. She has already spoken to the local authority after Mr McKechnie told her that he was intending to sell the Property and made them aware of the tribunal proceedings. She has been asked to return once an eviction order has been made. She intends to go back to the local authority after today's CMD to update the local authority about whether an eviction order has been made. She lives in the Property on her own.
10. The Notice to Leave was sent to the Respondent by the Applicant on 6 October 2023 by Sheriff Officers.
11. The tribunal adjourned to consider the Application.

12. The tribunal makes the following findings-in-fact:

- 12.1. The Applicant is one of the registered proprietors of the Property and has the consent of the joint proprietor to make an eviction application to the tribunal.
- 12.2. There is a private residential tenancy agreement between the Applicant and the Respondent for the Property which started on 1 September 2021.
- 12.3. On 6 October 2023, a Notice to Leave containing ground 1 of Schedule 3 to the 2016 Act was served on the Respondent.
- 12.4. The Applicant has given the Respondent at least 84 days' notice that he requires possession.
- 12.5. The Application to the tribunal was made on 4 January 2024.
- 12.6. The Applicant and co-proprietor intend to sell the Property on the open market or at least market it for sale within three months of vacant possession.
- 12.7. The Respondent has not opposed the eviction order.
- 12.8. The Respondent's tenancy is a sole tenancy.

12.9. The Respondent intends to seek local authority housing and has informed the local authority about the tribunal proceedings.

13. Findings in fact and law

13.1. The tribunal is satisfied that the facts required in paragraph 1 of Schedule 3 to the 2016 Act have been established.

13.2. The tribunal is satisfied that it is reasonable to make an order for eviction.

Discussion

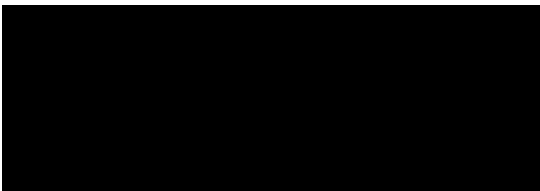
14. The order for eviction is sought in terms of Section 51 and paragraph 1 of Schedule 3 to the 2016 Act. The tribunal was satisfied that the requirements of those provisions have been met.

15. In relation to reasonableness, reference is made to the tribunal's findings in fact. The Respondent is a sole tenant in the Property. She has not opposed the eviction application. The Applicant and his wife are 71 and 75, respectively and wish to sell the Property with vacant possession as they no longer wish to be landlords.

16. The tribunal was satisfied that it was reasonable to evict the Respondent in the circumstances of the case.

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.



30 April 2024

Legal Member/Chair