



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/23/4276

Re: Property at 25 Ronaldsay Street, Glasgow, G22 7AS (“the Property”)

Parties:

Mr Patrick Patrick, Campbell McCartney Solicitors, 430 Victoria Road, Glasgow, G42 8YU (“the Applicant”)

Miss Amanda MacDonald, 25 Ronaldsay Street, Glasgow, G22 7AS (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 29th November 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 25th March 2024, all parties were written to with the date for the Case Management Discussion (“CMD”) of 3rd May 2024 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 15th April 2024.
3. On 26th March 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 26th March 2024.

The Case Management Discussion

4. A CMD was held on 3rd May 2024 at 2pm by teleconferencing. The Applicant was not present but was represented by Mr Saqib Deen, Apex Property Services (Scotland) Ltd. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make any representations in advance of the CMD.
5. Mr Deen said that the Applicant now wishes to retire from being a landlord. He has been granted an order for eviction for another property and has just obtained the keys to it last week. He is renovating it prior to sale. Mr Deen said that he has one further property to sell but it is not managed by Mr Deen's firm so he is not aware at what stage it is at in terms of it being sold.
6. Mr Deen said that the Respondent has her rent paid through direct rent payments. It is believed that she works part time. She has two children of school age. Mr Deen is not aware of any vulnerabilities that the Respondent may have. He does not know if the Respondent has been in contact with her local authority regarding being rehoused as she has not been in contact with him. He has not heard from the Respondent for 6 months.
7. The Tribunal was content that it was appropriate, fair and reasonable to grant an order for eviction.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 1st November 2019.
9. The Applicant is retiring and wishes to stop being a landlord. He intends to sell this property. The Applicant lodged an affidavit stating this within the papers. He cannot sell this property with the Respondent in the Property. He has one further property to sell after this one then he will have sold his property portfolio.
10. There has been no contact from the Respondent for 6 months.
11. There are no issues of reasonableness that prevent an order from being granted.

Decision

12. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Gabrielle Miller

3rd May 2024

Legal Member/Chair

Date