



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/24/0050

Re: Property at 1/2 6 Howard Street, Paisley, PA1 1PL (“the Property”)

Parties:

Mr Hendrik Lambrecht, Orchardene Hall, Broad Marston, CV37 8XY (“the Applicant”)

Mr Thomas Boyle, 1/2 6 Howard Street, Paisley, PA1 1PL (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Elizabeth Dickson (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 should be granted, and that the Private Residential Tenancy between the parties shall end on 14 June 2024.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference on 14 May 2024. The Applicant was represented by Mrs McLelland. The Respondent was not present or represented.
2. In this Application, the Applicant seeks an eviction order. He says that he is the landlord, and the Respondent is the tenant, of the Property under a Private Residential Tenancy. The Applicant says that he intends to sell the Property. He has given Notice to Leave to the Respondent specifying that as a ground of eviction.
3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a

Decision. When making a Decision, the Tribunal must have regard to the overriding objective in Rule 2 to deal with proceedings justly. That includes by avoiding unnecessary delay.

4. The Respondent has received service of the Application and has chosen not to lodge written representations or attend the Case Management Discussion. In the circumstances, it does not appear that the Respondent disputes that the landlord intends to sell the Property, that Notice to Leave was properly given, or that it is reasonable to grant the eviction order. Notwithstanding the lack of any obvious dispute, the Tribunal made enquiries of Mrs McLelland for the purposes of determining the reasonableness of granting the order.
5. The Property is a first floor flat. It has one bedroom, one bathroom and an open plan living/kitchen/dining area. The Respondent lives alone at the Property. The Property has not been adapted for the Respondent's use. There is mortgage lending secured over the Property. The Respondent is not in employment, and is in receipt of universal credit that includes a housing element. The rent is paid to the Applicant from the Department of Work and Pensions directly. The Applicant is not aware of the Respondent accessing any specialist services in the locality of the Property. The Applicant is not aware of the Respondent's age. The Applicant's maintenance contractor has spoken to the Respondent, and been told that the Respondent is seeking alternative housing. The Applicant has provided references for that purpose. The Applicant is in the process of liquidating his property portfolio for the purposes of retirement. That process has been gradual over the past four years. The Property is just the next one on the list. The Applicant has sold approximately nineteen properties already, using Cochrane Dickie to do so. There is a letter from Cochrane Dickie in the file that indicates standing instructions to sell a number of properties, albeit the Property is not listed. Mrs McLelland said that is an error, and that Cochrane Dickie have instructions to sell the Property once vacant possession has returned. Mrs McLelland advised that she and the Applicant had worked with other tenants to help them find suitable alternative accommodation. They intend to adopt a similar approach with the Respondent.
6. Having considered all of the circumstances set out in the Application and supporting papers, and as described to us by Mrs McLelland, the Tribunal is satisfied that it is reasonable to grant an eviction order under Ground 1 for eviction, i.e. that the landlord intends to sell the let property. It will do so.
7. For the purposes of section 51(4) of the Private Housing (Tenancies) (Scotland) Act 2016, the Tribunal determined that the Private Residential Tenancy between the parties will terminate on 14 June 2024.

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.

A. Upton

14 May 2024

Legal Member/Chair

Date