



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/23/3316

Re: Property at 57 Laws Road, Kincorth, Aberdeen, AB12 5LJ (“the Property”)

Parties:

Mrs Lynne Boyd, Mr David Willdigg, 11 Fraser Drive, Bramshall, Uttoxeter, ST14 5EH (“the Applicant”)

Mr Janis Trumpiks, 57 Laws Road, Kincorth, Aberdeen, AB12 5LJ (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Ahsan Khan (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 20 September 2023. Accompanying the application was a variety of documentation including Notice to Leave together with Section 11 Notice and “contract”.
2. The application was received by the Tribunal on 21 September 2023. Further documentation was sought by the Tribunal. The Tribunal accepted the application for determination on 16 February 2024.
3. The application was served by sheriff officers on 29 April 2024.

Case Management Hearing

1. At the case management hearing both the Applicant and the Respondent attended.
2. The Respondent indicated that he had been looking for alternative accommodation.
3. The Applicant agreed that the order could be granted. The Respondent also accepted that intimation of various documents had been made to him by email which was his preferred course of communication.

Findings in Fact

1. That the Respondent rented a room at the property at 57 Laws Road, Aberdeen AB12 5LJ.
2. That the Applicant wished to sell the property.
3. Both Applicants had poor health. Both had retired. Both were living in England.
4. The Applicant had a mortgage on the property and the rental income received was less than the amount of the mortgage.
5. The property was a three bedroom property and the Respondent rented a room.

Reasons for decision

The Tribunal were keen to establish that the Respondent was prepared to accept communication by way of email. He confirmed that that was his preferred method of communication. The Notice to Leave had been served by email. A Short Assured Tenancy had been issued here. There was however clearly a contract to rent a room in the property. The Respondent had been paying his rent.

The Respondent was in employment. He was looking for alternate private housing.

Both Applicants are retired, living in England and wish to sell the property. The reason to sell was that the rental received is not covering the mortgage. The Applicant wishes to divest themselves of the property.

On the basis that the Respondent did not object to the order being granted and that he was prepared to accept email communication the Tribunal were satisfied that an order be granted here.

Decision

To grant an order for eviction under ground 1 of schedule 3 of the 2016 Act.

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.



5th June 2024

MarkThorley

Legal Member/Chair

Date