



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/23/3953

Re: Property at 10 Gateshaw Wynd, Strathaven, ML10 6JX (“the Property”)

Parties:

Mr Angus Macleod, 77 Glencroft Avenue, Uddingston, G71 6BY (“the Applicant”)

Mrs Maryna Kulchaieva, Mr Khasan Kulchaiev, 10 Gateshaw Wynd, Strathaven, ML10 6JX (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Order for Possession against the Respondents.

1. This is an application under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 for an Order for possession.
2. The Applicant is the owner of the property. The Respondents are the Tenants.
3. A two-member Case Management Discussion (CMD) took place at 2pm on 24 May 2024 by teleconference. The Applicant was represented by Miss Kelly. The Respondents represented themselves. There were no issues with sound and connectivity.
4. Miss Kelly informed us that the Applicant wishes to sell the property to alleviate the financial burden. He has one other property that is currently occupied. She was unaware of his financial position.

5. Mrs Kulchaieva and Mr Kulchaiev informed us that they have been good tenants and pay their rent on time. There have been no issues with the Tenancy. The accommodation has 3 bedrooms and they have 2 children age 14 and 8 years. They have approached the Local Authority and have been registered as homeless. They are students and rely on Universal Credit. They have been awarded a housing element but there is a shortfall of £225 which they meet from the rest of their Universal Credit and child benefit.
6. There is no information before us to show that the Landlord does not intend to sell the property. That is his right as an owner. It would be unreasonable to prevent him from selling the property, particularly as he needs to do so to alleviate a financial burden.
7. We appreciate that it may be difficult for the Respondents to find suitable alternative accommodation in the private sector as they are not working and are dependent on social welfare payments, however the Local Authority has a duty to find suitable alternative accommodation under the Homeless Persons Legislation. The Local Authority is aware of the Respondent's circumstances and has accepted them onto the list. They will be entitled to temporary accommodation on an emergency basis and should not be without a roof over their heads.
8. Having regard to all the information before us, individually and together, we were satisfied that the making of an Order for Possession was reasonable in all of the circumstances.
9. Accordingly, an Order for Possession is granted.

CONCLUSION

An Order for Possession is granted.

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.

Lesley-Anne
Mulholland

24 May 2024

Legal Member/Chair

Date