



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/23/4324

Re: Property at 3 Gibson Terrace, Flat G/L, Dundee, DD4 7AG (“the Property”)

Parties:

Ms Jillian Horgan, Ms Shona Playfair, 28 Elcho Drive, Broughty Ferry, Dundee, DD5 3TB; Abby Mains Farm, Haddington, EH41 3SB (“the Applicants”)

Ms Samantha Gow, 3 Gibson Terrace, Flat G/L, Dundee, DD4 7AG (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicants submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 15 April 2024 informing both parties that a CMD had been assigned for 21 May 2024 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers

the procedure to have been fair. The Respondent was invited to make written representations by 6 May 2024.

4. On 6 May 2024, the Tribunal received written representations on behalf of the Respondent.

The case management discussion

5. The CMD took place by conference call. The Applicants were represented by Miss Lynn McIntosh and the Respondent by Mrs Colette Goodson. The Tribunal explained the purpose of the CMD. The Applicants' representative explained that the relationship between the two Applicants has broken down and they are each giving separate instructions to the managing agent. The mortgage payments have increased to £359 per month and the rental income is £500 per month. The Applicants intend to sell the property and no longer wish to be landlords. The Respondent is being supported in her applications to the local authority for alternative accommodation. One potential property was identified but it was deemed to be unsuitable for the Respondent and her family. The Respondent lives with her two children aged 18 and 12. The Respondent is still waiting on the local authority identifying alternative accommodation.
6. The Tribunal adjourned briefly to consider the information provided by both parties' representatives. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

Findings in Fact

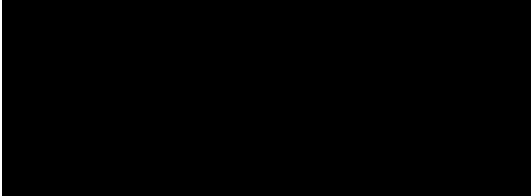
7. The parties entered into a private residential tenancy which commenced 1 July 2021.
8. The Applicants served Notice to Leave on the Respondent by email on 4 September 2023.
9. The Applicants intends to sell the let property.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondent did not dispute that the Applicant intends to sell the property. The Respondent is waiting on the local authority providing alternative accommodation. The Tribunal was satisfied that ground 1 had been established and that it was reasonable to grant the order sought.

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.



N.Irvine

Legal Member/Chair

21 May 2024

Date