



**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/23/4513**

**Re: Property at 47 Netherplace Crescent, Newton Mearns, Glasgow, G77 6BT (“the Property”)**

**Parties:**

**Mr Gordon Dean Pennington, Mrs Corinne Roberta Pennington, 2 Solomons View, Dunlop, Kilmarnock, KA3 4ES (“the Applicant”)**

**Mr Ian Griffiths, 47 Netherplace Crescent, Newton Mearns, Glasgow, G77 6BT (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (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 an Order for Eviction be granted against the Respondent.**

**Summary of Discussion**

1. This is an application under Section 51(1) of the Private Housing (Scotland) Act 2016 for an Order for Eviction on the basis that the Applicants intend to sell the property for market value, or at least put it up for sale, within 3 months of the Tenant ceasing to occupy it.
2. The Applicants are the Landlords and joint owners of the property. The Respondent is the Tenant.
3. A two-member Case Management Discussion (CMD) took place at 2pm on 12 April 2024 by teleconference. This was continued until 10 May 2024 at 1000am. The Applicants' Representative, Mr Livingstone joined the hearing. The Respondent failed to attend without excuse.
4. Mr Livingstone relied upon the information set out in the CMD note of 12 April 2024 and asked that an Order for Eviction be granted. He had read the Respondent's correspondence of 9 May 2024 asking for more time to allow utility services to be

connected at the property he intends to occupy but was not persuaded by it. There had been a number of false promises made.

5. We reminded ourselves that the Respondent asked for more time on 12 April 2024 and was adamant that he would have vacated the property by now. The Respondent has not provided a copy of any Private Residential Tenancy Agreement for the property he intends to occupy and we have not seen any supporting evidence to demonstrate that the property he intends to occupy was damaged in a fire or that it is without utilities, thereby causing a delay in the date of entry.
6. Even if that is right, we decided that the time had come to grant an Order for Eviction, bearing in mind that it cannot be enforced before the 17<sup>th</sup> or 18<sup>th</sup> May, which is the date the Respondent claims that he will be able to vacate the property.
7. The Respondent has not provided any evidence of seeking suitable alternative accommodation given the difficulties he has encountered.
8. The Applicants have already waited a considerable period of time to recover their property as the application was made on 13 December 2023. The Respondent has had sufficient notice to find suitable alternative accommodation, even taking into account his poor health. The Applicants are making a loss on the property due to the increase in interest rates that they can no longer sustain.
9. Accordingly, having considered all of the information before us, individually and together, we decided to grant the Order for Eviction.

### **Decision**

An Order for Eviction 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

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10 May 2024

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