



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/24/0051

Re: Property at 1 Netherhill Cres, Paisley, PA3 4RU (“the Property”)

Parties:

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

Ms Charlene Dreghorn, 1 Netherhill Cres, Paisley, PA3 4RU (“the Respondent”)

Tribunal Members:

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

Decision (in absence of the Respondents)

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

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 Applicant intends 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 Applicant is the Landlord and owner of the property. The Respondents are the Tenants.
3. A two-member Case Management Discussion (CMD) took place at 10am on 17 May 2024 by teleconference. The Applicant’s Representative, Mrs McLelland joined the hearing. The Respondents failed to attend without excuse. We decided to proceed in their absence as they had not indicated any intention to defend the application or attend the hearing. They had not engaged with the application in any way. We waited until 10:10 before deciding it was fair and just to proceed in their absence having regard to the issue before us and the overriding objective.

4. Mrs McLelland asked that an Order for Eviction be granted. The Respondents have been given sufficient notice and the application for an order for eviction was raised on 30 December 2023. The Landlord intends to sell all his properties. He had 32 properties, has sold 19 of them and wishes to sell the rest. He intends to retire and pay off the mortgages on all his properties to allow him to do. We were informed that the Respondents have been Tenants of the property since 2019 and that good references have been given to them to allow them to obtain alternative accommodation.
5. The Respondent has not provided any evidence to demonstrate that the Applicant is not intending to sell the property.
6. The Applicant has already waited a considerable period of time to recover the property. The Respondents have had sufficient notice to find suitable alternative accommodation. The Applicant needs to sell the property to allow him to retire and pay off the mortgage.
7. 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

17 May 2024
