



Decision 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/23/3926

Re: Property at 11 Barnton Place, Glenrothes, KY6 2PS (“the Property”)

Parties:

Mr Steven McSorley, 9 Hatton Green, Glenrothes, KY7 4SD (“the Applicant”)

Ms Jade Hume, Mr Ryan Taylor, 11 Barnton Place, Glenrothes, KY6 2PS (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondents 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 22 April 2024 informing both parties that a CMD had been assigned for 4 June 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 Respondents were invited to make written

representations by 13 May 2024. No written representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicant and the Respondents each represented themselves. The Tribunal explained the purpose of the CMD. The Applicant explained that this is his only rental property and it is no longer financially viable for him to operate as a landlord. He therefore intends to sell the property and he relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondents did not oppose the application for an eviction order. They have been in contact with the local authority; no offers of accommodation have been made and they are still waiting on the local authority identifying suitable alternative accommodation. One of the Respondents has a disability but does not require accommodation with specific adaptations. The Respondents have one dependent.
5. The Tribunal adjourned briefly to consider the information provided by both parties. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order. The Tribunal also explained that it exercised its discretion in terms of section 216(4) of the Bankruptcy and Diligence Etc (Scotland) Act 2007 and extended the period of charge specified in section 216(1) of the Act by 30 days.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 25 October 2021.
7. The Applicant served Notice to Leave on the Respondents by recorded delivery on 8 August 2023.
8. The Applicant intends to sell the let property.

Reason for Decision

9. 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 Respondents did not dispute that the Applicant intends to sell the property and did not oppose the application. The Respondents are 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. Given that the Respondents have a young child, the Tribunal considered that it was appropriate to exercise its discretion by allowing an extended period for

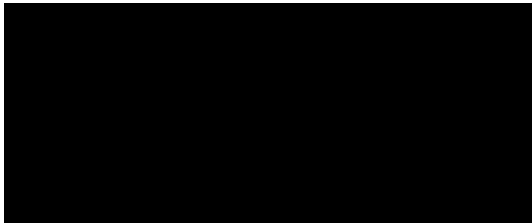
enforcement of the order. The Tribunal therefore extended the period of charge by 30 days.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.



N.Irvine

Legal Member/Chair

4 June 2024

Date