



**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/24/0057**

**Re: Property at 2/2 7 Howard Street, Paisley, PA1 1PJ (“the Property”)**

**Parties:**

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

**Mr Robert Goudie, 2/2 7 Howard Street, Paisley, PA1 1PJ (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**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 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 20 May 2024 informing both parties that a CMD had been assigned for 25 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 Respondent was invited to make written representations by 10 June 2024. No written representations were received.

### **The case management discussion – 25 June 2024**

4. The CMD took place by conference call. The Applicant was represented by Mrs Janette McLelland. The Respondent did not join the conference call and the discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant's representative explained that the Applicant owns 13 properties and intends to sell all of those properties and to cease activity as a landlord. The Applicant had a good working relationship with the Respondent until the Notice to Leave was served. From that point onwards, the Respondent has failed to communicate with the Applicant and has failed to pay rent. The result of that is that rent arrears now amount to £2,950.20. The Respondent is believed to be unemployed and does not have any dependents.
5. The Tribunal adjourned briefly to consider the information provided by the Applicant's representative. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

### **Findings in Fact**

6. The parties entered into a private residential tenancy which commenced 17 November 2019.
7. The Applicant hand delivered the Notice to Leave to the Respondent on 22 September 2023.
8. The Applicant intends to sell the 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 Applicant has produced a letter from the estate agent instructed by him which confirms the intention to sell. The Tribunal was satisfied that ground 1 had been established. The Respondent did not lodge any written representations and did not participate in the CMD. In relation to reasonableness, the Tribunal took account of the explanation provided about the reason given for the intended sale. Although it was not a ground of eviction, the Tribunal also took account of the level of rent arrears, which now equate to more than 8 months' rent. The Tribunal was satisfied in all of the circumstances 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.

*Nicola Irvine*

Legal Member/Chair

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25 June 2024

Date