



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/23/3911

Re: Property at 14 Mayfield Court, Armadale, EH48 2JR (“the Property”)

Parties:

Mr Gordon Graham, Mrs Diane Graham, C/O Unit C/2, Linbar House, 48 North Bridge Street, Bathgate, EH48 4PP (“the Applicant”)

Mr Robert Dorley, 14 Mayfield Court, Armadale, EH48 2JR (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted for the property at 14 Mayfield Court, Armadale EH48 2JR.

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) by application dated 6 November 2023. Accompanying the application was a copy of the Notice to Leave and proof of service together with Section 11 Notice and intimation of the Section 11 notice.
2. The applicant sought to recover possession of the property on the basis of a sale of the property.
3. The application was acknowledged on 7 November 2023.
4. Further information was sought by the Tribunal on 27 November 2023. Further information was provided by the applicant.
5. Further information was again sought by the Tribunal on 27 November 2023.

6. On 1 December 2023 the application was confirmed for consideration.
7. On 28 December 2023 the application was accepted for determination.
8. A case management hearing was fixed for 25 March 2023.
9. At that case management hearing further information was sought by the Tribunal.
10. A further hearing was set for 25 June 2024.
11. On 25 June 2024 there was no attendance by or for the respondent.
12. Mr and Mrs Graham the applicant both attended. They indicated that there had been a recent inspection with the property with a view to doing an EICR. The respondent was there. He appeared now to be sleeping on a mattress on a floor. Contents may have been moved out.
13. He was awaiting an order from the Tribunal to allow the Local Authority to house him.
14. The applicant now wished to sell not just this property but all their properties in their portfolio with a view towards moving to retirement.
15. They had engaged Lothian Homes. Lothian Homes were of course a company associated with the applicant.
16. They wished to sell the property.

Findings in Fact

1. The parties entered into a Private Residential Tenancy Agreement with a commencement date of 24 February 2023.
2. The property is a three bedroom property.
3. Rent was due to commence at the rate of £431.50 from 24 February 2023 to 16 March 2023 and thereafter at £625 per month.
4. The respondent was now living alone in the property.
5. The respondent wished to move but wanted an order.
6. The applicant wished to sell the property and engaged Lothian Homes to act as their agent.

Reasons for decision

The respondent had not provided any written representations nor attended at either the case management hearing. The information given was that he was prepared to move. Indeed it appeared that he had moved out much of his belongings and was now sleeping on a mattress on the floor in the property. He needed an order in order to obtain accommodation from the Local Authority.

The applicant wished to sell. They were approaching retirement. They had other properties. They were going to sell all the properties prior to retirement.

They engaged Lothian Homes. Lothian Homes was their business but they engaged them to sell the property.

The Tribunal accepted that position and made an order accordingly.

Decision

To grant an order of eviction.

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.

Mark Thorley

Legal Member

25 June 2024

Date