



**Decision with Statement of Reasons 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/23/4354**

**Property: Flat 1/1, 17 Prospecthill Grove, Glasgow G42 9LG (“Property”)**

**Parties:**

**Area Estates Limited, Ground Floor, 30 City Road, London EC1Y 2AB (“Applicant”)**

**Savills (UK) Limited, Monreith House, The Crichton, Glencaple Road, Dumfries DG1 4ZZ (“Applicant’s Representative”)**

**James Josey, Flat 1/1, 17 Prospecthill Grove, Glasgow G42 9LG (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement dated 9 September 2019; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 23 August 2023 (“Notice to Leave”); copy emails to the Respondent dated 23 August 2023 attaching the Notice to Leave; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 20 November 2023; copy email from Hamways dated 7 August 2023 stating they are instructed to sell the Property and sheriff officer’s execution of service certifying service of the Application on 30 May 2024. The Tribunal had sight of the title to the Property.

## **Case Management Discussion**

A case management discussion (“CMD”) took place before the Tribunal on 2 July 2024 by teleconference. The Applicant was represented by Caroline Davies of the Applicant’s Representative. The Respondent was in attendance.

Ms Davies told the Tribunal that the Applicant bought a portfolio of properties in Scotland and was now selling the properties individually. The Respondent told the Tribunal that he did not oppose the application for an eviction order. He said he had a new job in Perth and had been in touch with the local authority there who had told him they could not progress his housing application until an order for eviction was granted. He said that he lives in the Property alone and is in full time employment.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Respondent entered into a Tenancy Agreement for the Property dated 9 September 2019.
2. The Applicant acquired title to the Property on 8 March 2022.
3. A Notice to Leave was served on the Respondent by email on 23 August 2023. It stated that an application for an eviction order would not be submitted to the Tribunal before 19 November 2023.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 20 November 2023.
5. The Applicant holds title to the Property and is entitled to sell the Property.
6. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

## **Reasons for the Decision**

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell. The evidence lodged with the application of intention to sell was a copy email from Hamways dated 7 August 2023 stating they are instructed to sell the Property. The Tribunal considered the evidence provided and determined that the ground for eviction

had been established. The Tribunal considered the question of reasonableness and determined that, as the Respondent was not opposing the Application, it was reasonable to grant an order for eviction

### **Decision**

The Tribunal determined to grant an order for possession of the Property.

### **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.**

**Joan Devine  
Legal Member**

**Date : 2 July 2024**