



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/24/0885

Re: Property at 5 New Flockhouse, Lochgelly, KY5 8HL (“the Property”)

Parties:

Mr Daniel Dixon, Bankfoot Steadings, Leslie Road, Scotlandwell, KY13 9JE (“the Applicant”)

Mr Ian Temperley, 5 New Flockhouse, Lochgelly, KY5 8HL (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) the Applicant intends to live in the Property, (ii) the requirements of Ground 4 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 are met, (iii) it is reasonable to grant an eviction order, and (iv) the Private Residential Tenancy between the parties shall terminate on 29 July 2024.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 27 June 2024. The Applicant was present, and also represented by Miss Moran. The Respondent was neither present nor represented.
2. In this Application the Applicant seeks an order for eviction against the Respondent. The Applicant says that he intends to live in the Property following the breakdown of his relationship, which was with the sister of the Respondent.

3. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision; which includes the need to avoid unnecessary delay.
4. The Respondent has received service of the Application and notification of the CMD. He has chosen not to lodge written representations or appear at the CMD. In the circumstances, the Tribunal is satisfied that the Respondent does not dispute that the Applicant intends to live in the Property following his separation from his partner. The only extant matter for the Tribunal to determine is whether it is reasonable to grant the eviction order.
5. At the CMD, Miss Moran and Mr Dixon provided further background to the Application. The Property is a two-bedroom detached house. The Respondent lives alone. The Property has not been adapted for the Respondent's use. The Applicant does not believe the Respondent to currently be in work, but understands that he has access to some form of pension scheme for former armed forces members. The Applicant does not know whether the Respondent accesses any specialist services. The Respondent is not in rent arrears, but the Applicant has lingering concerns about how the Property has been kept by the Respondent. The Applicant suggested that, when he was last in the Property, he was a bit alarmed by its condition. Since the Notice to Leave was served, the Respondent has not allowed access for gas or electricity inspections.
6. The Applicant is currently residing with his parents. They have a three-bedroom house, but the living situation is sub-optimal. The Applicant requires his own space. The Applicant has mortgage lending over the Property, which is being paid. The Applicant would require additional mortgage lending to acquire a second property to live in, but would be unable to obtain additional lending. In the circumstances, his only real option is to recover the Property and live in it.
7. In all of the circumstances, and in the absence of any contrary representations from the Respondent, the Tribunal was satisfied that it was reasonable to grant the eviction order.
8. For the purposes of section 51(4) of the 2016 Act, the Private Residential Tenancy between the parties shall terminate on 29 July 2024.

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.

A Upton

27 June 2024

Date