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
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Chamber Ref: FTS/HPC/EV/24/0349

Re: Property at 1 Bute Drive, Johnstone, PA5 8PN ("the Property")

Parties:

Ms Natalie Hayes, Mr Colin Hayes, 54 NASHGROVE LANE, WOKINGHAM, BERKSHIRE, RG40 4HD ("the Applicants")

Miss Kellie Maxwell, Mr Jason Maxwell, 1 Bute Drive, Johnstone, PA5 8PN ("the Respondents")

Tribunal Members:

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

<u>Background</u>

1. The Applicants 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 26 June 2024 informing both parties that a CMD had been assigned for 2 August 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 17 July 2024. No written representations were received.

The case management discussion – 2 August 2024

4. The CMD took place by conference call. The Applicants were represented by Mrs Kellie Deans. The Respondents joined the call and the Second Respondent spoke for both of them. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/24/0686. The Tribunal explained the purpose of the CMD. The Respondents did not oppose the application for an eviction order. The Respondents have secured alternative accommodation and have the keys. Work is being undertaken in their new home before they can move in, but they anticipate moving on 12 August 2024. The Applicants intend to sell the Property and have received an offer for the Property which is conditional on the Applicants obtaining vacant possession. The Applicants own one other rental property which they intend to sell. The Applicants wish to cease activity as landlords.

5. The Tribunal adjourned briefly to consider the information provided by the parties. 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 29 December 2017.

7. The Applicants served the Notice to Leave on the Respondents by recorded delivery post on 25 October 2023.

8. The Applicants 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 Applicants relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicants intend to sell the Property and one other rental property and cease activity as landlords. The Tribunal was satisfied that ground 1 had been established. The Respondents did not oppose the application. 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
_____   _____**2 August 2024**_____
Legal Member/Chair   **Date**