



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/23/4202

Re: Property at 35 Coulardhill, Lossiemouth, IV31 6LA (“the Property”)

Parties:

Mrs Leigh-Ann Hutchison, 74 West Coresea Road, Elgin, IV30 5QF (“the Applicant”)

Miss Ruth Brehmer, 35 Coulardhill, Lossiemouth, IV31 6LA (“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 11 July 2024 informing both parties that a CMD had been assigned for 15 August 2024 at 10am, 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 1 August 2024.

4. On 15 August 2024, the Tribunal received an email from the Respondent, advising that the Property is not suitable for her and that she supports the application for eviction.

The case management discussion – 15 August 2024

5. The CMD took place by conference call. The Applicant joined the call and represented herself. The Respondent did not join the call, and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD. The Applicant explained that she is nearing retirement age and intends to cease activities as a landlord. She has already sold the property she lives in and intends to move into the let Property.
6. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 19 August 2019.
8. The Applicant served the Notice to Leave on the Respondent by recorded delivery post on 18 August 2023.
9. The Applicant intends to live in the Property.

Reason for Decision

10. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016. She explained why she intends to live in the Property. The Tribunal was satisfied that ground 4 had been established. Although the Respondent did not join the conference call, she sent an email to the Tribunal advising that she supports the application for an eviction order. The Tribunal was satisfied in 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.



Legal Member/Chair

15 August 2024

Date