



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/24/1107

Re: Property at 4 Canal Street, Camelon, Falkirk, FK1 4QU (“the Property”)

Parties:

Mr Peter Coils, 16 Dorrator Road, Falkirk, FK1 4BN (“the Applicant”)

Miss Jamie-Lee Dickson, 4 Canal Street, Camelon, Falkirk, FK1 4QU (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 11:30am on 6 September 2024, by teleconference. The Applicant was on the call in-person. The Respondent was not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case she was experiencing any technical difficulty; but there remained no contact from her.

The application and notice of the CMD were served on the Respondent by sheriff officers on 6 August 2024. The Tribunal was therefore satisfied that she was aware of the CMD and had chosen not to oppose the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 1 September 2020.
2. On 8 November 2023, the Applicant hand-delivered a notice to leave to the Respondent, stating that he would rely on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
3. The Applicant is the owner of the Property.
4. The Applicant intends to sell the Property for market value, or at least put it up for sale, as soon as the Respondent ceases to occupy it.
5. The Applicant wishes to realise the equity in the Property to allow him to move abroad.
6. The Respondent will not be rehoused by the local authority until an eviction order is granted.

- Reasons for Decision

7. Ground 1 is established here and, in particular, it is reasonable for the order to be granted. Both parties are in agreement that the Applicant should be allowed to sell and the Respondent is waiting for the order to be granted in order to be able to access support from the local authority.

- Decision

Eviction order granted.

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.

Nairn Young

Legal Member/Chair

06/09/2024

Date