



**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/24/1324

Property : 3 Selby Street, Coatbridge ML5 2NY (“Property”)

**Parties:**

Cairn Build Ltd, 1257 Shettleston Road, Glasgow G32 7NG (“Applicant”)

247 Property Scotland Ltd, 1257 Shettleston Road, Glasgow G32 7NG (“Applicant’s Representative”)

Brian Taggart, 3 Selby Street, Coatbridge ML5 2NY (“Respondent”)

**Tribunal Members:**

Joan Devine (Legal Member)

Frances Wood (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 which commenced on 15 November 2023; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 22 January 2024 (“Notice to Leave”); copy email to the Respondent dated 22 January 2024 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 18 March 2024; copy sales contract between the Applicant and the Applicant’s Representative regarding the sale of the Property dated 26 April 2024; and sheriff officer’s execution of service certifying service of the Application on 19 August 2024.

**Case Management Discussion**

A case management discussion (“CMD”) took place before the Tribunal on 17 September 2024 by teleconference. Mark Breen of the Applicant’s Representative was in attendance. There was no appearance by the Respondent. Mr Breen told the

Tribunal that there had been no recent contact with the Respondent. He said he understood that the Respondent lived in the Property alone although he had shared custody of a school aged son. He said that the tenant who occupied before the Respondent had caused damage to the Property. The Applicant had carried out required repairs and then let to the Respondent. Mr Breen said that inspections of the Property indicated that the Property had started to deteriorate again. In addition the Respondent had fallen into arrears of rent. In all the circumstances the Applicant has decided to sell the Property. Mr Breen said that the Applicant was now receiving £419.35 per month from universal credit but the rent arrears were over £6,000. He said that the Property is a three bedroom house and that the Respondent had not offered any plan to pay the rent arrears.

### **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 15 November 2023.
2. A Notice to Leave was served on the Respondent by email on 22 January 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 22 February 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 18 March 2024.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. 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 Property. The evidence lodged with the application of intention to sell was a copy sales contract between the Applicant and the Applicant's Representative regarding the sale of the Property dated 26 April 2024. The Tribunal considered the evidence provided and determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness and the oral submissions from Mr Breen and, in the absence of a submission from the Respondent, the Tribunal determined that, in all the circumstances, it was reasonable to grant an order for possession of the Property.

### **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 : 17 September 2024

# J Devine