



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/24/1536

Re: Property at 6/6 Parkgate, Dunfermline, KY11 2JW (“the Property”)

Parties:

Aitchison and Jones Limited, 4 Lothian Street, Dalkeith, EH22 1DS (“the Applicant”)

Mr Francesco Grandinetti, 6/6 Parkgate, Dunfermline, KY11 2JW (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Mike Scott (Ordinary Member)

Decision (in absence of the Respondent)

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

FACTUAL BACKGROUND

1. By Lease dated 8th September 2020, the Applicant let the Property to the Respondent.
2. The Property is owned in the name of a Alan David Hamilton Jones as an individual although it is let through a limited company in which Mr Jones is a director and shareholder, that limited company being the Applicant.
3. The limited company is in financial difficulty. Information was provided by the company accountants confirming that the company is *“severely struggling to financially survive. It has suffered trading losses for the last couple of years, which continue in the current trading period, due to spiralling expenses and the rental properties it owns. The company therefore needs to urgently raise some funds to pay off its existing debts to avoid going into liquidation.”*

4. A notice to leave was served upon the Respondent, intimating that recovery of possession was sought to alleviate financial hardship.
5. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant was represented at the Case Management Discussion by Miss Gray of Professional Property Letting Ltd. The Respondent participated personally.
7. Miss Gray moved the Tribunal to grant an order for eviction. She confirmed that the basis of the application remained the same. The Applicant was struggling financially and required to raise funds swiftly to avoid the company going into liquidation.
8. Mr Grandinetti, the Respondent did not oppose the application. He explained that he has, for some time, been looking elsewhere for alternative accommodation. He is keen to move out of the Property. The Property is a two-bedroom Property. He is seeking a one-bedroom Property for himself. He explained that he has already packed up most of his belongings, and aside from items which have been boxed up, the only items remaining in the Property are his bed and a desk for work purposes.
9. He is 37 years of age. He is working. He lives at the Property alone. He has no health issues which affect the issue of reasonableness.
10. The Tribunal clarified the position of the Respondent, seeking confirmation as to whether he was opposing the application or whether he was willing to consent to it. He confirmed that he does not dispute that the Applicant is in financial difficulty. He does not oppose the application. He has already been taking steps to secure alternative accommodation and, following the Case Management Discussion today, he will make further contact with an agency with whom he has been engaging to obtain assistance in securing alternative accommodation.
11. In the circumstances, based on the information available, and having regard to the consent of the Respondent, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1A of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 2 October 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.

Virgil Crawford

26 August 2024

Legal Member/Chair

Date