



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/24/1051

Re: Property at 3 Ashley Park North, Aberdeen, AB10 6SF (“the Property”)

Parties:

Miss Lisa Sadler, 1A Nyewood Place, Bognor Regis, West Sussex, PO21 2SH (“the Applicant”)

Dr Omer Kuru, 3 Ashley Park North, Aberdeen, AB10 6SF (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (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 8 August 2024 informing both parties that a CMD had been assigned for 10 September 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 Respondent was invited to

make written representations by 29 August 2024. No written representations were received.

The case management discussion – 10 September 2024

4. The CMD took place by conference call. The Applicant joined the call and represented herself. The Respondent did not join the call and discussion proceeded in his absence. The Tribunal explained the purpose of the CMD. The Applicant explained that this is the only property which she owns. She bought the Property and lived there before moving overseas to work. The Applicant decided to let the Property out. It is no longer financially viable to let the Property out. The Applicant has returned to live in the UK and is renting a property in the south of England. The Applicant intends to sell the Property so that she can realise funds to enable her to purchase a property in the south of England. The Applicant wishes to cease activity as landlords. The Respondent is believed to be in employment and lives alone at the Property. The Applicant's letting agent reported to her that the Respondent has been in contact with the local authority, but the Applicant does not know whether the Respondent has secured alternative accommodation.
5. The Tribunal adjourned briefly to consider the information provided by the Applicant. 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 30 April 2021.
7. The Applicant served the Notice to Leave on the Respondent by email on 28 November 2023.
8. The Applicant 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 Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant intend to sell the Property and cease activity as a landlord. The Tribunal was satisfied that ground 1 had been established. The Respondent did not participate in the CMD and there was no information before the Tribunal to indicate that the Respondent was opposed to 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.

N Irvine

Legal Member/Chair

Date 10 September 2024