



**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/24/1961**

**Re: Property at Flat 5, 61 Princes Street, Perth, PH2 8LJ (“the Property”)**

**Parties:**

**Mrs Pauline Hood, Tighnabraich, 2 Berrydale Road, Blairgowrie, PH10 6UA (“the Applicant”)**

**Miss Rebecca Drylie, Flat 5, 61 Princes Street, Perth, PH2 8LJ (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant which is not to be enforced before 12pm on 6<sup>th</sup> January 2025.**

**Background**

1. An application was received by the Housing and Property Chamber dated 30<sup>th</sup> April 2024. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 21<sup>st</sup> August 2024, all parties were written to with the date for the Case Management Discussion (“CMD”) of 23<sup>rd</sup> September 2024 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 11<sup>th</sup> September 2024.

3. On 22<sup>nd</sup> August 2024, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 22<sup>nd</sup> August 2024.
4. On 28<sup>th</sup> August 2024, the Respondent's support worker emailed the Housing and Property Chamber asking what the purpose of the case was precisely.
5. On 12<sup>th</sup> September 2024, the Respondent's support worker emailed the Housing and Property Chamber asking for a postponement to allow the Respondent's support worker to attend the CMD.
6. On 19<sup>th</sup> September 2024, the Respondent emailed the Housing and Property Chamber cancelling the postponement request and advising that her sister would be representing her at the CMD.

#### The Case Management Discussion

7. A CMD was held on 23<sup>rd</sup> September 2024 at 2pm by teleconferencing. The Applicant was not present but was represented by Mrs Kayley Hallgarth-Myles, PKC Lets, Perth & Kinross Council. The Respondent was not present but was represented by her sister Ms Charlotte Liddell.
8. Mrs Hallgarth-Myles said that the Applicant wants to sell the Property to allow her to pay for repairs for another property within the block. The repairs are communal repairs. The sale of this Property will fund those repairs. Mrs Hallgarth-Myles is aware the Applicant owns other properties. She does not know how many but suspects this to be under 10. There are two, including this one, which are managed by PKC Lets. Mrs Hallgarth-Myles does not know why this property has been chosen out of the whole portfolio. She had asked the Applicant if she intends to sell the other property in the block but the Applicant said that she did not intend to sell the other one. There are no issues with the tenancy. There are no rent arrears and no antisocial behaviour issues.
9. Given that a support worker had emailed the Housing and Property Chamber, the Tribunal was concerned if the Applicant was a vulnerable person. Ms Liddell said that she was 24 years old and she had been a looked after child until she was 18 years old. She considers her to be vulnerable. She does work full time but is in receipt of Adult Disability Payment for her health conditions. Ms Liddell has to represent her when there are any issues. Mrs Hallgarth-Myles said that her team support the Respondent to sustain her tenancy. Her support worker also provides tenancy support.
10. Ms Liddell said that the Respondent has made complaints regarding the repairs that need to be done to the Property. The Respondent is of the view that her flat has been chosen to be sold because she made complaints whereas the other occupants of the flat owned by the Applicant did not.

11. Ms Liddel said that the Respondent is looking to be rehoused by Perth and Kinross homeless department once she has an order for eviction. She does not want another private tenancy again. Ms Liddel said that the Respondent was not opposing an order being granted but that she wanted a bit more time for her to save for moving costs. She may be moved into a hostel which means that she will need to store her furniture. Three months would allow her to save from three wages.
12. Mrs Hallgarth-Myles said that PKC Lets is part of Perth and Kinross Council. It is separate from the housing department. She noted that there was an internal fund within Perth and Kinross Council which was designed to help with moving costs. The Respondent could apply for this to help with mover costs or furniture storage. As it is an internal fund it could be applied for and a decision made quickly. Mrs Hallgarth-Myles noted that while she could not go into details but the Respondent was not the only one who reported repairs of a similar nature.
13. The Tribunal considered it reasonable to grant an order especially considering that it was not opposed. It was satisfied that it was reasonable to allow for the Order to be superseded to 6<sup>th</sup> January 2025 to allow the Respondent to apply for the fund from Perth and Kinross Council and to save her money too.

#### Findings and reason for decision

14. A Private Rented Tenancy Agreement commenced 27<sup>th</sup> October 2022.
15. The Applicant intends to sell the Property to help fund communal repairs for another property's share of repairs in the block.
16. The Respondent does not oppose an order being granted.
17. The Respondent has tenancy support and is helped with her personal affairs by her sister.
18. The Respondent needs time to save for costs arising from moving.
19. There are no issues of reasonableness that prevent an order from being granted.

#### Decision

20. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant. The Order is not to be enforced before 6<sup>th</sup> January 2025.

## 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 on to appeal within 30 days of the date the decision was sent to

# G Miller

23<sup>rd</sup> September 2024

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/Chair

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Date