



**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/24/1114**

**Re: Property at 40 Pine Grove, Abronhill, Cumbernauld, G67 3AX (“the Property”)**

**Parties:**

**Craig McKechnie, 14 Alder Gate, Cambuslang, Glasgow, G72 7ZF (“the Applicant”)**

**Alexander Pyott, 40 Pine Grove, Abronhill, Cumbernauld, G67 3AX (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent**

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.

Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 3 October 2024.

The CMD took place by teleconference on 8 November 2024 at 2.00 pm. The applicant was represented by Ms Evelyn Hunter of HomeLink Estate & Letting Agents Ltd. The respondent failed to participate in the hearing. There was no known reason for his failure to do so.

## Findings and Reasons

The Respondent has not opposed the application or challenged any of the documentary evidence. The tribunal attached weight to all the evidence provided on behalf of the applicant.

The property is 40 Pine Grove, Abronhill, Cumbernauld G67 3TX. The applicant is Craig McKechnie who is the heritable proprietor of the property and the registered landlord. The respondent is Alexander Pyott.

The parties entered into a private residential tenancy in respect of the property which commenced on 10 September 2020. The rent was stipulated at £425 per month.

The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act. This specifies an eviction ground where the landlord intends to sell the let property. The relevant notice period under ground 1 at the time that the notice to leave was served was one of 84 days.

The notice to leave is dated 27 October 2023 and stipulates that the earliest an application be submitted to the tribunal would be 30 January 2024. The notice to leave was served by email on the day that it was dated. Sufficient statutory notice has been provided.

In support of the ground of eviction the applicant has produced a copy of the agency agreement with his agents to sell the property. This was signed on 5 April 2024. The applicant no longer wishes to retain this property. Roof repairs are required which the applicant cannot afford. Additionally, rent arrears have accrued during the tenancy. The current level of arrears are £3,825 with no rent having been paid since March 2024. Proposals to repay arrears have been repeatedly breached.

The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.

The respondent is of working age. He does not work. Nothing is known regarding housing support payments. He lives alone and has no dependants. The impression is that he may have some poor mental health though this has never been vouched.

A relevant section 11 notice has been issued to the relevant local authority. The tribunal is satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made. The respondent has advised the applicant's agent that he has made contact with the local authority about future housing options.

It would be unreasonable for the applicant to continue to make the property available to the respondent in the absence of rent being paid.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

### **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.**

Richard Mill

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**Date: 8 November 2024**