



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/2984

Re: Property at 88 Levern Crescent, Barrhead, Glasgow, G78 2AB (“the Property”)

Parties:

Mrs Annette McKinnon, 152 Main Street, Neilston, Glasgow, G78 3JX (“the Applicant”)

Mr Stephen Irons, 88 Levern Crescent, Barrhead, Glasgow, G78 2AB (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Melanie Booth (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

The Applicant applied to the Tribunal by application dated 1 July 2024. Accompanying the application was a copy notice to leave with acceptance by the Respondent, copy section 11 notice and proof of service and information from Barrhead Property Centre. The application was accepted for determination on 30 July 2024.

- The Case Management Discussion

At the Case Management Discussion, the Applicant attended along with her husband. There was no appearance by, or for the Respondent. The Applicant advised that the Respondent had been provided with local authority housing and he

had the keys for the new property. The Applicant's husband had also visited the new property with the Respondent. The Respondent had in fact rented her property before he moved in to the property that was subject to the let. The Applicant had certain health conditions and required a ground floor property. Her husband lived in an adjacent property and helped her on a daily basis. The Applicant wished to sell the property to release funds that might be put to either renovations of her current property or the purchase of a motor vehicle to assist with her medical conditions.

- Findings in Fact

1. The parties entered into a tenancy agreement for the property with entry on 28 May 2023.
2. The Applicant wished to sell the property to release funds.
3. The Respondent had secured alternative local authority housing.

- Reasons for Decision

The Respondent had not opposed the application. It appeared he had already obtained alternate accommodation. A question was raised as to whether the order was necessary. The Applicant remained concerned that without an order she would not be able to sell the property. The evidence provided by the Respondent as to why a sale was necessary appeared at times contradictory but the Respondent did not appear to oppose the application. In these circumstances the Tribunal granted the order.

- Decision

To grant an order of eviction.

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.

Mark Thorley

Legal Member/Chair _____

6 December 2024 _____

Date