

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/24/2404

Re: Property at 10 (3F2) Steels Place, Edinburgh, EH10 4QS (“the Property”)

Parties:

Mr Richard Thompson, 1 Kilpunt Steadings, Broxburn, EH52 5QB (“the Applicant”)

Ms Lucy O’Neil, 10 (3F2) Steels Place, Edinburgh, EH10 4QS (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought to evict the Respondent from the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) 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 15 October 2024 informing both parties that a CMD had been assigned for 21 November 2024 at 10am, 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 5 November 2024. No written representations were received by the Tribunal.

The case management discussion – 21 November 2024

4. The CMD took place by conference call. Both parties joined the call and represented themselves. The Tribunal explained the purpose of the CMD. The Applicant explained that he owns this and one other rental property. He intends to sell the Property if an order is granted in order to provide funds to assist with his retirement. The Respondent did not oppose the application for an eviction order. She explained that she and her two young sons live in the Property but she is finding the stairs to the third floor increasing difficult to manage. She has been in contact with the local authority and has been told that alternative accommodation will not be identified for her unless and until an order for eviction is granted.
5. The Tribunal sought submissions from parties about the timing of execution of an order if the Tribunal granted an order. Both parties agreed that the sooner an eviction takes place, the better. The Respondent has people who can assist her to move in the next few weeks.
6. The Tribunal advised the parties that it found that the ground for eviction had been established and that it was reasonable to grant the order.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 1 February 2021.
8. The Applicant served Notice to Leave on the Respondent by recorded delivery post on 2 February 2024.
9. The Applicant intends to sell the Property.

Reason for Decision

4. 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 Respondent did not oppose the application for eviction and indicated that the Property is not particularly suitable for her and her children. The Tribunal was satisfied that ground 1 was established and that it was reasonable to grant the 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.

Nicola Irvine

Legal Member/Chair

Date- 21st November 2024