

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/24/1463

Re: Property at 76 Primrose Avenue, Rosyth, KY11 2TX (“the Property”)

Parties:

Mr Paul Hugill, The Old Barn, Old Gloucester Road, Hambrook, Bristol, BS16 1RU (“the Applicant”)

Mr Rory Moir, 76 Primrose Avenue, Rosyth, KY11 2TX (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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 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 11 November 2024 informing both parties that a CMD had been assigned for 19 December 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 2 December 2024. No written representations were received by the Tribunal.

The case management discussion – 19 December 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 Respondent advised that he did not oppose the application for an eviction order. He has been in contact with the local authority and was advised that alternative accommodation could not be provided unless and until an eviction order was granted. The Applicant explained that this is his only rental property. The mortgage payment is £580 per month and the rental income is £600 per month. As he is approaching retirement age, he would like to sell the Property and cease activity as a landlord.
5. The Tribunal sought submissions from the Respondent on whether any additional time should be allowed before execution of an eviction order. The Respondent indicated that no additional was sought and he was content for the order to be granted.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 25 May 2019.
7. The Applicant served Notice to Leave on the Respondent, which the Respondent received on 15 January 2024.
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 Respondent did not oppose the application for eviction. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable to grant the order for 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.

Nicola Irvine

Legal Member/Chair

Date 19 December 2024