



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/24/3290

Re: Property at 17 Queens Crescent, Livingston, EH54 8EF (“the Property”)

Parties:

Sara Caterino (or Passiatore), 4 Peake Park, Melrose, TD6 0DW (“the Applicant”)

Hugh Huchinson, Barbara Hutchinson, 17 Queens Crescent, Livingston, EH54 8EF (“the Respondents”)

Tribunal Members:

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

Decision (in absence of the Respondents)

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 Respondents 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 8 January 2025 informing both parties that a CMD had been assigned for 20 February 2025 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 Respondents were invited to make written representations by 29 January 2025. No written representations were received by the Tribunal.

The case management discussion – 20 February 2025

4. The CMD took place by conference call. The Applicant was represented by Mr. Gregory Smart. The Respondents did not join the conference call, and the discussion proceeded in their absence. The Tribunal explained the purpose of the CMD. The Applicant's representative moved for an order to be granted. He explained that he did not have any information about the family composition or the employment status of the Respondents. There was no information about the rent account. The Applicant's representative advised that the Respondents previously occupied the Property under a short assured tenancy but they entered into a private residential tenancy in February 2024. The Tribunal adjourned briefly to enable the Applicant's representative to obtain further instructions from the Applicant. When the Tribunal reconvened the CMD, the Applicant's representative explained that the Respondents are both in receipt of state pension. They reside in the Property with their adult daughter. Rent has been paid up to date. There were discussions between the parties about the possibility of the Respondents purchasing the Property. That has not come to pass, and the Applicant now seeks to sell the Property so that she can complete the winding up of her parents' estates.
5. The Tribunal adjourned briefly to consider the information provided. When the CMD reconvened, the Tribunal explained that the members found that the ground for eviction had been established and that it was reasonable to grant the order for eviction.

Findings in Fact

6. The parties entered into a private residential tenancy which commenced 22 February 2024.
7. The Applicant served Notice to Leave on the Respondents by sheriff officer on 6 June 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 Respondents did not

take part in the CMD, and there was no information to suggest that they were opposed to 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

20 February 2025

Date