

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/24/3492

Property : Flat 5/3, 33 St Andrews Crescent, Glasgow G41 5SE (“Property”)

Parties:

Clyde Properties Ltd, 47 Aytoun Road, Glasgow G41 5HW (“Applicant”)

Castle Residential, 63 Causeyside Street, Paisley PA1 1YT (“Applicant’s Representative”)

Alia Bashir, Flat 5/3, 33 St Andrews Crescent, Glasgow G41 5SE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 13 June 2023; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 21 March 2024 ("Notice to Leave"); copy email from the Applicant’s Representative to the Respondent attaching the Notice to Leave dated 21 March 2024; email from the Applicant to the Applicant’s Representative dated 20 June 2024 confirming the intention to sell; letter from the Applicant’s Representative dated 20 March 2024 regarding the valuation of the Property and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 30 July 2024. A Case Management Discussion (“CMD”) was fixed for 4 April 2025. The Application was served on the Respondent by sheriff officer on 28 February 2025.

Case Management Discussion

A CMD took place before the Tribunal on 4 April 2025 by teleconference. Daryl Harper and Jacqueline McLelland of the Applicant's Representative were in attendance. There was no appearance by the Respondent.

Ms McLelland told the Tribunal that the Applicant wished to sell the Property as factor bills for the Property had increased to the point that it was no longer viable for him to retain the Property. She said that the Respondent lived in the Property alone, her husband having passed away around a year ago. She said she estimated the Respondent to be aged between 60 and 70. She said that the Applicant's Representative had given the Respondent advice about where to inquire about alternative accommodation. She said she understood that the Respondent had been in touch with family members who may provide her with alternative accommodation.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 13 June 2023.
2. A Notice to Leave was served on the Respondent by email on 21 March 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 17 June 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 30 July 2024.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a copy email from the Applicant to the Applicant's Representative dated 20 June 2024 confirming the intention to sell and a copy letter from the Applicant's Representative dated 20

March 2024 regarding the valuation of the Property. The Tribunal considered the evidence provided and determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from Ms McLelland. In the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 4 April 2025