

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/20/0033**

**Re: Property at 526 Leyland Road, Bathgate, EH48 2UQ (“the Property”)**

**Parties:**

**Ms Victoria Brake, 1 Howden House, Steadings, Livingston, EH54 6FN (“the Applicant”)**

**Miss Lauren Michelle Travers, 526 Leyland Road, Bathgate, EH48 2UQ (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be granted without a Hearing and issued an Eviction Order against the Respondent.**

**Background**

By application, received by the Tribunal on 8 January 2020, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties commencing on 21 June 2019 at a monthly rent of £695 and a Notice to Leave, e-mailed by the Applicant’s solicitors, TC Young LLP, Glasgow, to the Respondent on 18 November 2019. The Notice to Leave intimated that the Eviction Ground being used was Ground 1 of Schedule 3 to the 2016 Act, and that an application to the Tribunal would not be made before 19 December 2019. The application was also accompanied by a copy of a Terms of Business letter from Castlebrae Sales & Lettings Ltd, Bathgate.

On 27 January 2020, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written

representations by 17 February 2020. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

A Case Management Discussion was held at Riverside House, Gorgie Road, Edinburgh, on the afternoon of 2 March 2020. The Applicant as represented by Ms Nicola Caldwell of TC Young LLP, Glasgow. The Respondent was not present or represented. The Applicant's representative asked the Tribunal to issue an Eviction Order without a Hearing.

### **Reasons for Decision**

Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required to enable it to decide the application without a Hearing.

Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a private residential tenancy if, on an application by the landlord, it is satisfied that one of the Eviction Grounds named in Schedule 3 to the Act applies.

Ground 1 of Schedule 3 to the 2016 Act provides that it is an Eviction Ground that the landlord intends to sell the let property and that the Tribunal must find that Ground 1 applies if the landlord is entitled to sell the property and intends to sell it for market value, or at least put it up or sale, within 3 months of the tenant ceasing to occupy it. Ground 1 further provides that evidence tending to show that intention includes a letter of engagement from a solicitor or estate agent.

The Tribunal was satisfied from the Terms of Business letter that it had seen that the Applicant intends to sell the Property. The Tribunal had also seen a copy of the Land Certificate for the Property and was satisfied that the Applicant is entitled to sell the Property. Accordingly, the requirements of Ground 1 had been met and the Tribunal was bound to issue an Eviction Order against the Respondent.

### **Decision**

The Tribunal determined that the application should be granted without a Hearing and issued an Eviction Order against the Respondent.

### **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.**

George Clark

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**Legal Member/Chair**

02 March 2020

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**Date**