



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/19/1374**

**Re: Property at 25 Brown Walk, Irvine, KA12 9EU (“the Property”)**

**Parties:**

**Mr Mark Watt, ABN Services, Gardrum House, Fenwick, KA3 6AS (“the Applicant”)**

**Mr Anthony Davis, Ms Marion Bain, 25 Brown Walk, Irvine, KA12 9EU; 25 Brown Walk, Irvine, KA12 9EU (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.**

**Background**

The Applicant’s solicitor lodged an Application on 7<sup>th</sup> May 2019, under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, seeking eviction of the Respondent.

**Lodged with the Application were:**

1. Tenancy Agreement with commencement date of 3<sup>rd</sup> October 2018;
2. Notice To Leave with Recorded Delivery receipt for Proof of Service;
3. Section 11 Notice;
4. Letter from Countrywide Estate Agents dated 26<sup>th</sup> March 2019 regarding sale of property portfolio;
5. Letter from Taylor & Henderson, Solicitors, dated 5<sup>th</sup> April 2019 regarding sale of property portfolio.

## **Case Management Discussion**

The Applicant was personally present, along with his wife, Anne Watt, and was represented by Kirsty Wilson, Solicitor, Taylor and Henderson.

The Chairperson had everyone introduce themselves, and then explained the purpose of a Case Management Discussion.

Miss Wilson advised the Tribunal that she was seeking eviction in terms of Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016, in that the Applicant was intending to sell the let property, or at least put it up for sale, within three months of the tenant seeking to occupy it.

Miss Wilson submitted that the Notice to Leave had been prepared and served correctly.

Miss Wilson made reference to the letters lodged with the application, and mentioned above, from Countrywide Estate Agents and Taylor and Henderson, Solicitors. She advised that the Applicant had a portfolio of three properties, two of which had already been sold. It was his intention to market this one for sale as soon as it became vacant, and was brought up to standard.

Miss Wilson submitted that the order should be granted if the Tribunal was satisfied that the ground had been met.

## **Findings In Fact**

1. The parties entered in to a Tenancy Agreement with a commencement date of 3<sup>rd</sup> August 2019;
2. The Notice To Leave was correctly served, with the correct period of notice;
3. The Applicant intended to sell, or at least market for sale, the let property within three months of the tenant vacating.

## **Reasons For Decision**

Miss Wilson submitted with the Application letters from an Estate Agent and a Solicitor, confirming that the Applicant intended to sell the property. She confirmed that two of his three rental properties had already been sold. The Tribunal was satisfied that the ground had been met and it was therefor mandatory 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.

Alison Kelly

\_\_\_\_\_  
Legal Member/Chair

J

\_\_\_\_\_  
Date

8/7/19