



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/19/1052

Re: Property at 16a Aurs Drive, Barrhead, Glasgow, G78 2LA (“the Property”)

Parties:

Mr Raymond Brogan, 12 Gateside Gardens, Barrhead, G78 1SU (“the Applicant”)

Mr Ryan Long, 16a Aurs Drive, Barrhead, Glasgow, G78 2LA (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- **Background**

An application dated 3 April 2019 was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicant’s intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).

- **Case Management Discussion**

A Case Management Discussion (“CMD”) took place on 2 July 2019. The Applicant was represented by Sophie Cargill of Mellicks Solicitors. There was no

appearance by or on behalf of the Respondent. The Tribunal was satisfied that the application had been intimated on the Respondent by way of Sheriff Officer on 29 May 2019 and accordingly the Respondent had sufficient intimation of the date and time of the CMD. Accordingly, the Tribunal was satisfied that the CNMD could proceed in the Respondent's absence.

The Applicant's representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"), which commenced 15 September 2018. The Applicant intended to sell the Property and required vacant possession in order to do so. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 15 February 2019. There had been no contact from the Respondent since then and he was still believed to be residing within the Property.

The following documents were lodged alongside the application:

1. Copy Private Residential Tenancy Agreement
2. Copy Notice to Leave
3. Proof of service of the Notice to Leave by recorded delivery
4. Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
5. Letter from Barrhead Property Centre dated 1 February 2019 confirming instruction re appraisal of the Property for marketing for sale

- Findings in Fact

The Tribunal made the following findings in fact:

1. The parties entered into a Private Residential Tenancy Agreement which commenced on 15 September 2018;
2. The Applicant is the heritable proprietor of the Property;
3. The Applicant is entitled to sell the Property;
4. The Applicant has served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;
5. The Applicant has provided a letter of engagement from an estate agent regarding the marketing of the Property.

- Reasons for Decision

The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicant intends to sell the property and intends to do so within 3 months of the Respondent ceasing to occupy it. The Tribunal was satisfied that a Notice to Leave had been served on the Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act.

- Decision

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

F Watson

Legal Member/Chair

27/19

Date