

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/18/1396

Re: Property at 45 Langside Terrace, Port Glasgow, PA14 5XB ("the Property")

Parties:

Mr Derek Smith, 3 Fancy Farm Place, Greenock, PA16 7LJ ("the Applicant")

Mr David Morton, Ms Kirsty Polland, 45 Langside Terrace, Port Glasgow, PA14 5XB ("the Respondents")

Tribunal Members:

Lesley Dowdalls (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application be granted, the Applicant having provided evidence to the satisfaction of the tribunal that Ground 4 of Schedule 3 of the 2016 Act was met.

A Case Management Discussion took place on the 28th August 2018. The note of said Discussion is incorporated herein and referred to for its terms. The Respondents attended that Discussion and disputed the veracity of the Applicant's evidence, indicating that they intended to lead contradictory evidence. Today's hearing was accordingly fixed. Notice of today's hearing was intimated by the Tribunal to the Respondents on 7th September 2018, and by Sheriff Officers on 28th September 2018..

The Respondents did not attend today, and no message was received from them to explain their absence. They had not provided the Tribunal with any documents or other evidence in contradiction.

The Applicant attended today, and was accompanied by two witnesses, who had also provided written evidence.

The Tribunal accepted the written evidence produced by the Applicant, which included a sworn affidavit and the letters from witnesses Diane Knox and Linda McHaffie, without further need of proof.

The evidence provided satisfied the tribunal today that the Applicant intends to live in the property as his only or principal home for at least three months.

Accordingly the tribunal granted the application.

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.

Lesley Dowdalls

Legal Member/Chair

9th October 2018
Date