



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/21/2668

Property: 66 Kingsway, Dundee DD4 9BP (“the Property”)

Parties: Mrs Ishrat Rashid, 7 Shamrock Street, Dundee DD4 7AH (“the Applicant”)
and

Ms Christine Greig, 66 Kingsway, Dundee DD4 9BP (“the Respondents”)

Tribunal Members:

Mark Thorley (Legal Member)
Gordon Laurie (Ordinary Member)

Decision

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

Background

1. The applicant applied to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) in an application dated 27 October 2021. The application was made under Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017. The application sought eviction under ground 1 under Schedule 3 of the Housing (Scotland) Act 1988. The applicant was seeking to sell the property.
2. Accompanying the application was an email from the landlord to the letting agent dated 18 April 2021, Notice to Leave and proof of service and Section 11 Notice and proof of service.
3. The application was received on 29 October 2021. Subsequently on 22 November 2021 the Tribunal sought further documentation from the application namely a copy of the Tenancy Agreement and proof that the Section 11 Notice was sent to the Local Authority. The further information was provided by the applicant.

4. On 14 December 2021 the application was accepted. A Notice of Direction was issued on the same date requiring the production of certain further information.
5. On 17 January 2022 the application was intimated to the respondent and to the applicant's representative assigning a case management discussion for 23 February 2022.
6. Subsequently further information was provided by the applicant with a letter dated 20 January 2022 from the legal agents Messrs Ralph Hendrie in which it was noted that an offer was received for the property at 66 Kingsway, Dundee on 30 July 2021 but that no sale has been possible because the tenant was still in situ.
7. Thereafter the Tribunal received a letter from the Dundee Law Centre dated 7 February 2022 on behalf of the respondent confirming that the eviction order was not to be opposed.

Case Management Discussion

8. At the case management discussion the applicant was represented through their letting agents namely the Property Management Company by Mrs Joanna Leek. The respondent was represented by Ms Rebecca Menzies from the Dundee Law Centre.
9. The representative for the respondent confirmed that the respondent was not objecting to the application and indeed wished an order to be made to allow her to produce this to the Local Authority in order to secure further accommodation. She currently lives at the address with her two grandchildren aged 18 and 14 and she has kinship care of both.
10. The applicant's representative confirmed that the offeror for the property remained willing to purchase. The property had been placed on the open market she understood through Remax. The applicant wished to sell the property.

Reason for decision

11. The parties had entered into a Private Residential Tenancy Agreement dated 8 November 2018 in respect of the property at 66 Kingsway, Dundee DD4 9BP.
12. The applicant was the owner of the property.
13. The applicant wished to sell the property and had accepted an offer for the property. The potential purchaser remained willing to purchase the property.
14. The respondent lives at the property with her two grandchildren aged 18 and 14 of whom she has kinship care.
15. The respondent is not opposed to the order being granted.

Reasons for Decision

16. The Tribunal accepted the paperwork that had been provided by the applicant. There was a letter from solicitors instructed in the sale of the property which confirmed that an offer had been received and accepted for the property in July 2021. That offer remained open. The applicant wished to sell the property. The respondent wished to move and was not opposed to the application.
17. The respondent wished to obtain an order for eviction which would allow her to approach the Local Authority to be rehoused.
18. The Tribunal considered that they still had to look at the issue of reasonableness. The respondent lives at the address with her two grandchildren aged 18 and 14 of whom she has kinship care. However the respondent does wish to move. She wishes to secure what could be described as more permanent accommodation through the Local Authority. Accordingly it did seem reasonable that the order be granted.
19. The Tribunal granted the order.

Decision

To grant an order for eviction.

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.

M. T

23 February 2022

Legal Member/Chair

Date