

**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/19/2268**

**Re: Property at Flat 2/1, 21 Chisholm Street, Glasgow, G1 5HA (“the Property”)**

**Parties:**

**Mr Ronald Bell, 8 Hilton Terrace, Bishopbriggs, Glasgow, G64 3HB (“the Applicant”)**

**Ms Michelle Sweeney, Flat 2/1, 21 Chisholm Street, Glasgow, G1 5HA (“the Respondent”)**

**Tribunal Members:**

**Virgil Crawford (Legal Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

**BACKGROUND**

1. By way of a tenancy agreement dated 9 and 31 December 2019 the Applicant let the Property to the Respondent. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (the “2016 Act”);
2. The start date of the tenancy was 9 December 2018;
3. On 5 May 2019 the Applicant served a Notice to Leave on the Respondent intimating that he wished possession of the Property as he intended to sell it. This Notice intimated that an application to the Tribunal would not be made before 4 June 2019;
4. A notice in terms of s11 of the Homelessness (Scotland) Act 2003 was intimated to the local authority;

5. The Applicant provided correspondence from surveyors intimating that they had been instructed to prepare a home report in anticipation of a sale of the Property but had been unable to gain access to prepare it;
6. The Applicant produced correspondence from a firm of solicitors confirming they had been asked to represent him in connection with the sale of the Property;

## **THE CASE MANAGEMENT DISCUSSION**

7. The Applicant attended the Case Management Discussion held on 15 November 2019 at 2pm. The Respondent did not;
8. The Respondent had telephoned the Tribunal on 12 November 2019 advising that she was unable to attend. She provided no reason. She was asked to confirm the position by e mail. She failed to do so;
9. In the circumstances the Tribunal, being satisfied in terms of Rule 24 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the "FTT Rules") that the Respondent had received notice of the Case Management Discussion determined that it was appropriate to proceed in her absence in accordance with Rule 29 of the FTT Rules;

## **FINDINGS IN FACT**

10. The Tribunal found the following facts to be admitted or proved:-
  - a) By way of a tenancy agreement dated 9 and 31 December 2019 the Applicant let the Property to the Respondent. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016 (the "2016 Act");
  - b) The start date of the tenancy was 9 December 2018;
  - c) On 5 May 2019 the Applicant served a Notice to Leave on the Respondent intimating that he wished possession of the Property as he intended to sell it. This Notice intimated that an application to the Tribunal would not be made before 4 June 2019;
  - d) A notice in terms of s11 of the Homelessness (Scotland) Act 2003 was intimated to the local authority;
  - e) The Applicant provided correspondence from surveyors intimating that they had been instructed to prepare a home report in anticipation of a sale of the Property but had been unable to gain access to prepare it;
  - f) The Applicant produced correspondence from a firm of solicitors confirming they had been asked to represent him in connection with the sale of the Property;
  - g) As at the date of service of the Notice to Leave the Respondent had been in occupation of the Property for a period of less than 6 months;
  - h) The Notice to Leave provided more than 28 days notice to the Respondent of the Applicant's intention to seek recovery of the Property;

## **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 and Ground 1 of Schedule 3 of the 2016 Act. The Order is not to be executed prior to 12 noon on 23 December 2019

### **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.

**Virgil Crawford**  
**Legal Member/Chair**

**15 November 2019**

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**Date**