



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/22/2705

Re: Property at 52 Hillfoot Road, Airdrie, ML6 9PN (“the Property”)

Parties:

Sharminder Singh, 3 Roseburn Place, Coatbridge, ML5 1EN (“the Applicant”)

Mrs Jennifer Meechan, 52 Hillfoot Road, Airdrie, ML6 9PN (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 19 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 24 October 2022. The Tribunal intimated the application to the parties by letter of 28 November 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The

Respondent was invited to make written representations by 19 December 2022. No written representations were received by the Tribunal.

The case management discussion

4. The case management discussion took place by conference call. The Applicant was represented by Ms McGuire and the Respondent participated personally. The Respondent lives in the property with her 4 children, aged 21, 18, 16 and 9. The Respondent is not opposed to the application. When she received the Notice to Leave in January last year, she contacted the local authority to find alternative accommodation. She is still waiting to be rehoused. She has also looked for alternative accommodation in the private market but has not found suitable accommodation for her and her children. The Applicant's representative advised that the Applicant owns a portfolio of approximately 15 properties and intends to sell all of the properties as he no longer wishes to rent and manage the properties. The Applicant has sold 3 properties so far in circumstances where tenants have vacated the properties voluntarily. The Applicant's representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 September 2021.
6. The Applicant's representative served the Notice to Leave on the Respondents by email on 7 January 2022.
7. The Applicant intends to sell the property.

Reason for Decision

8. The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant intends to sell the property. The Respondent did not oppose the application. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

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.

Legal Member/Chair

23 January 2023
Date