



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/22/1990

Re: Property at 7B Stevenson Street, Paisley, PA2 6BW (“the Property”)

Parties:

Mr Jaden Shields, Flat 1/1, 1 Ivanhoe Way, Paisley, PA2 0LE (“the Applicant”)

Mr David Kane, 7B Stevenson Street, Paisley, PA2 6BW (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Melanie Booth (Ordinary Member)

Decision

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

BACKGROUND

1. By Lease dated 14th December 2019 the Applicant let the property to the Respondent;
2. The start date of the tenancy was 14th December 2019;
3. On 15th December 2021 a Notice to Leave was forwarded to the Respondent, the Notice to Leave advising that eviction was being sought on the ground that the Applicant intends to sell the Property;
4. The Notice to Leave intimated that proceedings would not be raised before the Tribunal before 20th June 2022;

5. The Applicant provided a letter from estate agents confirming they had been instructed to act in relation to the sale of the property once vacant possession was obtained;
6. A Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 was intimated to the relevant Local Authority;
7. An application for an order for eviction was presented to the Tribunal on 23 June 2022;

THE CASE MANAGEMENT DISCUSSION

8. The Applicant was represented at the Case Management Discussion by Miss K Deans of Penny Lane Homes, Johnstone. The Respondent participated personally;
9. Miss Deans moved the Tribunal to grant the eviction order requested. The Respondent did not object to that. He advised the Tribunal he wished an eviction order to be granted as he was already engaging with the local authority in relation to alternative accommodation, but he needed an eviction order to enable the local authority to declare him as homeless to enable accommodation to be provided. He advised that, from his discussions with the local authority, once the eviction order is granted, he will then be allocated alternative accommodation;

FINDINGS IN FACT

10. The Tribunal found the following facts to be established:-
 - a) By Lease dated 14th December 2019 the Applicant let the property to the Respondent;
 - b) The start date of the tenancy was 14th December 2019;
 - c) On 15th December 2021 a Notice to Leave was forwarded to the Respondent, the Notice to Leave advising that eviction was being sought on the ground that the Applicant intends to sell the Property;
 - d) The Notice to Leave intimated that proceedings would not be raised before the Tribunal before 20th June 2022;
 - e) The Applicant provided a letter from estate agents confirming they had been instructed to act in relation to the sale of the property once vacant possession was obtained;
 - f) A Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 was intimated to the relevant Local Authority;
 - g) An application for an order for eviction was presented to the Tribunal on 23 June 2022;

h) It is reasonable that an eviction order be granted.

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 7B Stevenson Street, Paisley, PA2 6BW and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

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

16 September 2022

Legal Member/Chair

Date