



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/23/0181

Re: Property at G/F 12 Sandbank Avenue, Maryhill, Glasgow, G20 0DB (“the Property”)

Parties:

Mr Zhong Chen, M422 Longdian Garden, Da Cheng Street, Na Gang District, Harbin, 150001, China (“the Applicant”)

Lynsay Sinclair, G/F 12 Sandbank Avenue, Maryhill, Glasgow, G20 0DB (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

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

Introduction

This is an application under rule 109 and section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.

Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 21 March 2023.

The CMD took place by teleconference on 28 April 2023 at 10.00 am. The applicant was represented by Mr Martin Urquhart of Messrs D J Alexander Lettings. The respondent failed to participate in the hearing.

Findings and Reasons

The property is G/F, 12 Sandbank Avenue, Glasgow G20 0DB. The applicant is Mr Zhong Chen, who is the heritable proprietor of the property and the registered landlord. The respondent is Lysnay Sinclair who is the tenant.

The parties entered into a private residential tenancy in respect of the property which commenced on 10 July 2020. The rent was stipulated at £550 per month. A rent increase became effective from July 2022 which increased the rent to £580 per month.

The applicant relies upon ground 1 contained within part 1, schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to sell the let property. Ground 1 was originally drafted as a mandatory ground for eviction. All evictions are now discretionary. The relevant notice period under ground 1 at the time the notice to leave was served was one of 84 days.

The notice to leave is dated 8 September 2022 and stipulates that the earliest an application be submitted to the tribunal would be 4 December 2022. The notice to leave is evidenced to have been emailed to the respondent on 8 September 2022. Adequate notice was given. The notice to leave served upon the respondent and relied upon in this application is therefore valid.

In support of the ground of eviction the applicant has produced a copy of the terms of engagement signed with his agents in respect of his instructions regarding the sale. Evidence of this contract between them is dated 23 January 2023. The applicant's motivation is that he has returned to China and does not now intend to return to the UK. The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent replied to the notice to leave advising that she has no objection in principle but that in order to be treated as homeless and be provided with alternative accommodation from the local authority, that she requires an eviction order to be granted against her. She has not opposed the application. She has no known dependants and no known disability or other vulnerabilities.

A relevant Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in

The applicant has produced a detailed rent statement dated 7 March 2023 which discloses significant rent arrears. As at the date of the hearing these total £4,086. It is unreasonable to expect the applicant to continue to make the property available for the respondent in such circumstances.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

R Mill

28 April 2023

Legal Member/Chair

Date