



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/20/0784

Re: Property at 7 Flat 3 Glenbryde Mill, Glenbryde Road, West Kilbride, KA23 9NJ (“the Property”)

Parties:

Mr Paul Vincent Coyle, Mrs Patricia Ann Coyle, 4 Glamis Avenue, Newton Mearns, Glasgow, G77 5NZ (“the Applicants”)

Ms Linda Scott, 7 Flat 3 Glenbryde Mill, Glenbryde Road, West Kilbride, KA23 9NJ (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be made in favour of the Applicants.

Background

The Applicants hold the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 19 October 2019.

The Applicants wish possession of the Property to be granted in their favour as they wish to sell it.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by conference call on 14 August 2020. The First Applicant was present and both Applicants were represented by their solicitor, Dominic Coyle. The Respondent was present. The Applicant had presented the application on two grounds: anti-social behaviour (Ground 14) and

intention to sell the Property (Ground 1). Mr Coyle confirmed that the Applicant no longer relied upon Ground 14 but wished eviction granted in respect of Ground 1. The Applicants' position is that the Property had previously been marketed for sale but, as it had not sold, the Respondent had been granted a tenancy against the background that it was known to all that the Property would again be marketed for sale. The Applicants have lodged statements with the Tribunal confirming their intention to sell. The Applicants have now produced a formal offer letter from a third party offering to buy the Property. The Tribunal noted that the offer letter came from Mr (Dominic) Coyle's own firm and that the offer itself was heavily caveated. Mr Coyle assured the Tribunal that the offer was from a genuine third party and was prepared by a different solicitor within his office.

The Respondent confirmed that she accepts that the Applicants intend to sell and she is prepared to move out. Her only concern was that she required to make arrangements to furnish her new property and she would need until mid-September to complete her arrangements. She agreed that 14 September 2020 would provide sufficient time.

Findings in Fact

The Applicants hold the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 19 October 2019.

The Applicants have received an offer to purchase the Property.

The Applicants intend to sell the Property for market value.

The Applicants are entitled to sell the Property.

Reasons for Decision

The Tribunal is satisfied that the criteria contained in Ground 1 of schedule 3 to the 2016 Act (namely that the Applicants are entitled to sell the Property and intend to sell the Property for market value) are met. The Tribunal accordingly requires to make an order in terms of section 51 of the 2016 Act.

Decision

An order for possession of the Property will be made in favour of the Applicants.

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.

John McHugh, Legal Member/Chair

Date 14 August 2020