



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/21/0886

Re: Property at Flat 2/2, 125 Forth Street, Glasgow, G41 2TA (“the Property”)

Parties:

Mr Surinder Singh, c/o 1st Lets (Glasgow) LTD, 2 Calder Street, Glasgow, G42 7RT (“the Applicant”)

Miss Ieva Grigelionyte, Mr Harry Schone, Flat 2/2, 125 Forth Street, Glasgow, G41 2TA; Flat 2/2, 125 Forth Street, Glasgow, G41 2TA (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Leslie Forrest (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction on the basis of paragraph 1 of schedule 1 of the 2016 Act be made in favour of the Applicant.

1. Background

- 1.1 This is an application for an eviction order in respect of a private residential tenancy between the parties. The application was accompanied by copies of the written tenancy agreement, the notice to leave issued and a letter from a firm of solicitors confirming their instruction in relation to the sale of the property.
- 1.2 The Respondent had lodged a lengthy submission by email. This was accompanied by copies of correspondence between them and the Applicant’s representative.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 30 June 2021 by teleconference. The Applicant was represented by Ms Simpson, manager of the Applicant's letting agent. The Respondents appeared personally.
- 2.2 The Tribunal heard firstly from Ms Simpson. She confirmed that the notice to leave had been issued on the basis of the Applicant's wish to sell the property only. Solicitors had been instructed but no estate agent as yet. The Applicant owned three properties he made available for let. His businesses had been negatively affected by the pandemic. He had already had to sell his family home. He had chosen to sell the property as it was the only one with equity which could be released. Rent had only been paid by the Respondents up to February 2021. The decision to issue a notice to leave had been taken at the start of October 2021. Ms Simpson was aware that there were two other applications pending before the Tribunal involving the parties and property, namely repairing standard and payment applications.
- 2.3 The Tribunal then heard from Mr Schone. He advised he had no basis on which to dispute the intention of the Applicant to sell the property. He confirmed that £1800.00 in rent had been withheld and was consigned to a separate bank account. This was in response to an alleged failure on the part of the Applicant to ensure that the property met the statutory repairing standard. The Respondents had attempted to find another property but had struggled to do so. Only recently, they had now obtained an alternative property and were in the process of moving out. They believed that they should be entitled to pursue the matter of the alleged breach of the repairing standard and wanted an abatement of the rent withheld. There was an inspection arranged for 14 July 2021 in connection with the repairing standard application.
- 2.4 The Tribunal highlighted that those matters were independent of the present application. Any eviction order granted by the Tribunal would be required to appoint a date on which the present tenancy would end which would be no earlier than 30 days in the future. The issue of an abatement of a rent or any other compensation could be pursued separately, albeit the manner in which this was done was a matter for the Respondents.
- 2.5 Following a short adjournment, the Respondents indicated they did not wish to defend the present application given they had obtained alternative accommodation. They acknowledged that the other matters in dispute between the parties required to be the subject of separate applications and could be dealt with independently.

3. Reasons for Decision

- 3.1 In light of the Respondents' change of position, the Tribunal found that the essentials of the ground relied upon by the Applicant were made out. The Applicant had provided evidence of his intention to sell the property. In light of his financial difficulties and the Respondents having obtained alternative accommodation, the Tribunal deemed it reasonable to grant an 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.

A Houston

30 June 2021

Legal Member/Chair

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Date