



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/21/1535

Re: Property at 48 George Street, Fraserburgh, AB43 9QR (“the Property”)

Parties:

Mr Frederick McIntosh, 41 Main Street, Fraserburgh, AB43 9RT (“the Applicant”)

Miss Julia McDonald, 48 George Street, Fraserburgh, AB43 9RQ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mike Scott (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.

[1] Background

The Applicant submitted an application seeking an order to evict the Respondent from the property. The Tribunal intimated the application to the parties by letter of 8 October 2021 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 29 October 2021. No written representations were received by the Tribunal.

The case management discussion

- [2] The Applicant's representative, Mrs White, and the Respondent participated in the case management discussion which took place by conference call. The Applicant's representative advised the Tribunal that the Applicant intends to sell the property in the event of him obtaining vacant possession. The Applicant has produced a copy of an estate agency agreement between the Applicant and Brown & McRae LLP. The Applicant's representative advised that the Applicant has instructed the same estate agent to market his other property for sale with the same estate agent and that other property is currently being marketed for sale. The Respondent advised that she is 19 weeks pregnant and does not have alternative accommodation to move to; she has been in touch with the local authority who advised her that she needs to show that she has adhered to a repayment plan for at least 3 months. The Tribunal noted that the Applicant wrote to the Respondent by letter dated 21 June 2021 in which he offered to discuss a payment plan in respect of arrears. The Applicant also provided details of Government funding which might be available to the Respondent. The Respondent has been in receipt of universal credit of £100 per month since February 2021. The Respondent accepted that no rent has been paid by her since September 2020. The Applicant relied upon ground 1 of schedule 3 to the Act, namely, that he intends to sell the property. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

[3] Findings in Fact

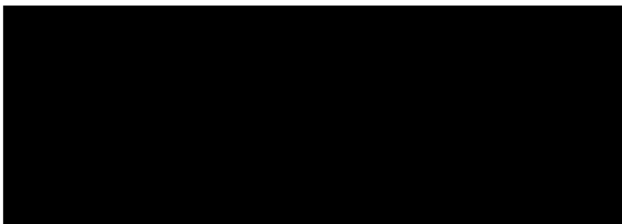
- i. The parties entered into a Private Residential Tenancy Agreement which commenced 1 March 2020.
- ii. The Applicant personally served the Notice to Leave on the Respondent in December 2020.
- iii. The Applicant intends to sell the property.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was satisfied that ground 1 has been established and that it is reasonable for the Tribunal to grant the order for eviction.

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

15 November 2021

Date