



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

Chamber Ref: FTS/HPC/EV/21/2690

Re: Property at Flat 5/1 Park View, Milton, Dumbarton, G82 2TT ("the Property")

Parties:

Dr Norin Arshed, Lon Eisg, Milton Brae, Milton, Dumbarton, G82 2SG ("the Applicant")

Mr Andrew Johnstone, Flat 5/1 Park View, Milton, Dumbarton, G82 2TT ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Background

The Application seeks an Eviction Order on the basis of Ground 1 of Schedule 3 of the Act. A valid Notice to Leave dated 1 March 2021 was competently served on the Respondent providing the correct statutory period of notice. The Applicant has also complied with s11 of the Homelessness Etc. (Scotland) Act 2003. The Application is accompanied by a copy of the tenancy and a letter from an estate agent indicating a willingness to market the Property for sale.

Case Management Discussion

The Application called for a Case Management Discussion by conference call at 2pm on 13 January 2022. The Applicant was represented by Mr Fraser Napier of Jackson Boyd Solicitors. There was no appearance by or on behalf of the Respondent. Sheriff Officers had served a copy of the Application and information about how to join the conference

call on the Respondent on 2 December 2021. The Tribunal decided therefore to proceed in the absence of the Respondent.

Mr Napier explained that the Applicant was disenchanted with life as a landlord and wanted to sell the Property and exit the industry. Mr Napier confirmed that there were rent arrears but that the Applicant genuinely wished to sell the Property.

The Tribunal questioned Mr Napier and carefully considered the reasonableness or otherwise of granting the Application.

Findings in fact.

Having considered the Application and having heard from Mr Napier, the Tribunal made the following findings in fact.

- I. The parties entered into a tenancy at the Property which commenced on 9 January 2020;*
- II. The Applicant was the landlord and the Respondent was the tenant;*
- III. The Applicant wishes to sell the Property and leave the property industry;*
- IV. The Applicant validly served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 of the Act which provided the Respondent with the correct period of notice prior to bringing these proceedings;*
- V. The Respondent remains in occupation of the Property beyond the expiry of the period of notice contained within the Notice to Leave;*
- VI. It is reasonable that the Application is granted.*

Decision

Having made the above findings in fact, the Tribunal decided to grant the Application.

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.

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13 January 2022

Legal Member/Chair

Date