



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/21/2773

Re: Property at 30 Sutherland Drive, Airdrie, ML6 9XA (“the Property”)

Parties:

Mr Manvir Singh, 9C Old Bothwell Road, Bothwell, Glasgow, G71 8AW (“the Applicant”)

Mr Steven Murphy, Ms Amanda Hunter, 30 Sutherland Drive, Airdrie, ML6 9XA (“the Respondents”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

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

1. An application was received by the Housing and Property Chamber signed 9th November 2022. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 1 of schedule 3 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
 - a. Copy Private Residential Tenancy Agreement with commencement of tenancy being 13th November 2019 ;
 - b. Notice to Leave signed 26th April 2021 stating an application would not be submitted to the Tribunal before 5th November 2021;
 - c. Section 11 notice noting proceedings would not be raised before 5th November 2021;

- d. Rent statement from 17th August 2021 to 15th October 2021. This detailed the rent of £650 per month and arrears of £350;
 - e. Copy email dated 28th April 2021 serving Notice to Leave upon the Respondent; and
 - f. Home Report dated 27th April 2021.
3. The Tribunal also had before it a copy of the title deeds numbered LAN454363.
 4. On 3rd December 2021, all parties were written to with the date for the Case Management Discussion (“CMD”) of 14th January 222 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 24th December 2021.
 5. On 3rd December 2021, sheriff officers served the letter with notice of the hearing date and documentation upon both the Respondents by letterbox service and first class post. This was evidenced by Certificate of Citation dated 3rd December 2021.
 6. The case was conjoined with case FTS/HPC/CV/21/2775.

The Case Management Discussion

7. A CMD was held on 14th January 222 at 2pm by teleconferencing. The Applicant was represented by Ms Vikki McGuire of Jewel Homes. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
8. Ms McGuire informed the Tribunal that she had spoken to the First Named Respondent, Mr Steven Murphy, on 23rd December 2021 he was aware of the hearing date and time. He confirmed that he was still living in the Property.
9. Ms McGuire told the Tribunal that her firm had tried working with the Respondents. They had offered a reference. There had initially been good communication between parties. The Respondents had allowed the marketing of the Property to be undertaken with an agreement of a rent reduction. They did not permit viewings of the Property due to Covid. A buyer had been interested in the Property but due to the lack of cooperation from the Respondents the offer was withdrawn. The Applicant’s estate agent advised that the Property should be removed from the market until the Respondents vacate the Property. Ms McGuire noted that there are several properties that her company manages and would have looked to try to relocate the Respondents to another property. However, the Respondents wanted another high end property like the one that they are in and Ms McGuire did not have that available. The Applicant is selling his entire property portfolio and other tenants have been found new tenancies from within the stock at Jewel Homes. Ms McGuire confirmed that there were no outstanding Housing Benefits issues as both Respondents were working. The Property is a three bedroom house which they occupy with their dog. She believes that the Respondents are to move in with family until allocated a council property. Ms McGuire noted that

the Respondents have not paid their rent since November 2021. The outstanding arrears is currently £1950. This is the subject of the conjoined case.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 13th November 2019.
11. The Applicant has demonstrated that his intention is to sell his Property.
12. The Applicant is selling his entire property portfolio.
13. The Applicant's agents have taken steps to assist the Respondents with finding a new property and offering a reference.
14. There are no issues of reasonableness.

Decision

15. The Tribunal found that ground 1 has been established and granted an order for eviction in favour of the Applicant.

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.

G Miller

14th January 2022

Legal Member/Chair

Date