



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/22/0218

Re: Property at 13 (3/2) Union Place, Dundee, DD2 1AB otherwise DD1 1AA (“the Property”)

Parties:

Westend Property Holdings Limited, 10 Douglas Street, Dundee, DD1 5AJ (“the Applicant”)

Dr Christopher Rynn, 13 (3/2) Union Place, Dundee, DD2 1AB otherwise DD1 1AA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

The Applicant seeks an Eviction Order based on Ground 1 of Schedule 3 of the Act. The Application is accompanied by a Notice to Leave with proof of service on the Applicant and evidence in support of the eviction ground.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 10am on 4 May 2022. The Applicants were represented by Mr Runciman of Gilson Gray Solicitors. The Respondent was personally present. The CMD called alongside the related Application for a Payment Order in respect of rent arrears said to be due by the Respondent to the Applicant.

Dr Rynn did not oppose the Eviction Order and confirmed that he wished to leave the Property and was planning to do so. Having heard from parties and having considered the documentary evidence, the Tribunal made the following findings in fact.

Findings in Fact

- I. The Applicant had acquired the landlord's interest in a tenancy granted to the Respondent;*
- II. The Respondent has resided in the Property since July 2007 and the Applicants acquired the landlord's interest on 1 August 2018;*
- III. The Applicant's business model involves buying buildings before developing and selling off individual units as separate properties;*
- IV. The Applicant acquired the whole of the building in which the Property is located and has already developed and sold off several units;*
- V. The Applicant has evidenced board minutes confirming this as being the company's commercial objective;*
- VI. The Applicant has produced an affidavit from one of its directors which confirms the intention to sell the Property and that being part of the company's business model;*
- VII. The Applicant has engaged an estate agent to market and sell the Property once vacant possession has been obtained;*
- VIII. The Applicant competently drafted and served a Notice to Leave in respect of Ground 1 of Schedule 3 of the Act which was served on the Respondent on 19 July 2021;*
- IX. The Notice to Leave specified the correct period of notice and provided sufficient notice to the Respondent prior to raising these proceedings;*

X. *The Applicant has given notice to the local authority in terms of s11 of the Homelessness Etc. (Scotland) Act 2003;*

XI. *It is reasonable to grant the Eviction Order as in any event the Respondent wishes to move out and find an alternative place to reside.*

Reasons for Decision

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

Andrew McLaughlin

04/04/2022

Legal Member/Chair

Date