



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/22/0458

Re: Property at 82 Logans Road, Motherwell, ML1 3NY (“the Property”)

Parties:

Mr Mohammed Butta, 32 Brogan Crescent, Motherwell, ML1 3HS (“the Applicant”)

Mr Mieszko Iwaniec, Mrs Malgorzata Iwaniec, 82 Logans Road, Motherwell, ML1 3NY (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Currie (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 in respect of Ground 1 of Schedule 3 of the Act in that it is said that the Applicant wishes to sell the Property. The Application is accompanied by a copy of the tenancy, the Notice to Leave, S11 Notice under the Homelessness (Etc.) (Scotland) Act 2003 together with missives and a home report said to evidence the proposed sale of the Property.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 13 May 2022. The Applicant was represented by Mr Lewis Bryan, solicitor. The Respondents were personally present. There was also a Polish interpreter on the call who interpreted everything that was said in English into Polish for the benefit of the Respondents and vice versa.

The Respondents confirmed that they were intending to vacate the Property and had identified a property in Perthshire that they were set to move into at the end of the month. They confirmed that they had no difficulty with the Application being granted and went as far as apologising to the Applicant for any inconvenience caused.

Mr Bryan, confirmed that the Applicant was selling the Property to a family member.

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

Findings in Fact

- I. *The parties entered into a Private Residential Tenancy that commenced on 30 April 2018;*
- II. *The Applicant is the landlord and the Respondents are the tenants;*
- III. *The Applicant served a Notice to Leave in terms of Ground 1 of Schedule 3 of the Act on the Respondents on 16 August 2021 providing them with six months' notice to vacate the Property;*
- IV. *The Applicant has complied with all legal formalities in respect of the Application including intimating a notice under s 11 of the Homelessness (Etc.) (Scotland) Act 2003 on the relevant local authority;*
- V. *The Applicant intends to sell the Property to a family member;*
- VI. *The Respondents wish to leave the Property and have made plans to move into a new property in Perthshire that will be available to them from the end of May.*

Reasons for Decision

Having made the above findings in fact, the Tribunal further considered the reasonableness or otherwise of granting the order. The Tribunal concluded that it was

reasonable to grant the order as the Respondents were in any event relocating from the Property. The Tribunal decided to grant the Application and made 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

Legal Member

Date: 13th May 2022