



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

Chamber Ref: FTS/HPC/EV/22/1141

Re: Property at 72 Duns Crescent, Dundee, DD4 0RZ (“the Property”)

Parties:

Mr Christopher James Douglas Lavery, 10 Valley View, Frisby on the Wreake, Melton Mowbray, LE14 2PH (“the Applicant”)

Miss Kirsty Donaldson, 72 Duns Crescent, Dundee, DD4 0RZ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Miss E Munroe (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is an application received in the period between 20th April and 13th May 2022 and made in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Rules”). The Applicant is the landlord of the Property, and the Respondent is the tenant, in terms of a tenancy agreement that commenced on 1st January 2021.
2. The Applicant lodged a copy of the tenancy agreement, copy Notice to Leave dated 1st September 2022 stating that an application for an eviction order under ground 1 would not be submitted before 2nd February 2022, with evidence of email service, copy section 11 notice with evidence of service, and email correspondence regarding sale of the Property from a solicitor.

The Case Management Discussion

3. A Case Management Discussion took place by telephone conference on 11th August 2022. Both parties were in attendance.

4. The Respondent indicated that she was not opposing the order as she cannot secure local authority housing without an eviction order.
5. The Applicant said the Respondent had been a great tenant. He requires to sell the Property to buy another property for his family.

Findings in Fact and Law

6.
 - (i) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 1st January 2021.
 - (ii) Notice to Leave has been served upon the Respondent.
 - (iii) The Applicant is entitled to sell the Property.
 - (iv) The Applicant intends to sell the Property for market value or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (v) It is reasonable to grant an eviction order.

Reasons for Decision

7. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find the ground met if the Landlord is entitled to sell the Property and intends to do so for market value, or at least put it up for sale within three months of the Respondent ceasing to occupy it. The Tribunal is satisfied that Ground 1 has been established.
8. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondent in terms of the Act.
9. The Tribunal took into account the representations made regarding the circumstances of both parties. The Respondent is in the process of seeking social housing and will not be granted such housing without an eviction order. She is not opposing the order. In all the circumstances, it is reasonable to grant the order sought.

Decision

10. An eviction order in respect of the Property is granted which cannot be executed prior to 12 noon on 12th September 2022.

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.

A large black rectangular redaction box covering the signature of the Legal Member/Chair.

Legal Member/Chair

11th August 2022
Date