



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/22/2339

Re: Property at 54 Rylees Road, Penilee, Glasgow, G52 4DB (“the Property”)

Parties:

Mr Thomas McDonald, 12 Alexander Ave, Eaglesham, Glasgow, G76 0JG (“the Applicant”)

Miss Jamilee Pollock, 54 Rylees Road, Penilee, Glasgow, G52 4DB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to an order for eviction against the Respondent.

Background

1. An application was received by the Housing and Property Chamber dated 13th February 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 under ground 1 of the Private Housing (Tenancies) Act 2016.
2. The application included:-
 - a. Private Residential Tenancy Agreement with commencement of tenancy being 2nd December 2017;
 - b. Notice to Leave signed 17th September 2021 stating an application would not be submitted to the Tribunal before 2nd April 2022 with email service on the same date;

- c. Section 11 notice noting proceedings would not be raised before 13th July 2022 with email service dated the same;
3. The Tribunal also had before it a copy of the title deeds numbered GLA 123 272.
4. On 28th November 2022 all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th January 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 19th December 2022.
5. On 29th November 2022, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent. This was evidenced by Certificate of Intimation dated 29th November 2022.
6. The case was conjoined with case FTS/HPC/CV/22/4022

The Case Management Discussion

7. A CMD was held 18th January 2023 at 2pm by teleconferencing. The Applicant was present and represented himself. The Respondent was not present. She was represented by Ms Linda Nouar, Trainee Solicitor, Govan Law Centre.
8. The Applicant told the Tribunal that he was intending to retire. He has 10 properties. This is the first one that he is looking to sell. He did not choose this property for any reason other than he had to start somewhere. It is a two bedroom property which is very alike to his other properties. He has another property where the tenant is leaving soon and he is looking to sell when she leaves. As he has found this process to be very long is looking to sell the remaining properties with sitting tenants over the next two years. He has consulted an estate agent but is not able to sell this property until the Respondent leave it.
9. Ms Nouar told the Tribunal that the Respondent was not opposing the granting of an order. She was offered a local authority property in December 2022. The Respondent is to view the new property on 20th January 2023. The Respondent requires a few weeks to allow her to move into her new property. It was discussed with Ms Nouar that the appeal period was 30 days after which the notice would need to be issued. Ms Nouar believed that would be sufficient time. The Applicant noted that he may not object to allowing the Respondent staying a week longer if necessary. The Tribunal noted that this is not a matter for them and that parties could discuss this after.
10. The Tribunal was satisfied that there were no issues of reasonableness preventing an order being granted.

Findings and reason for decision

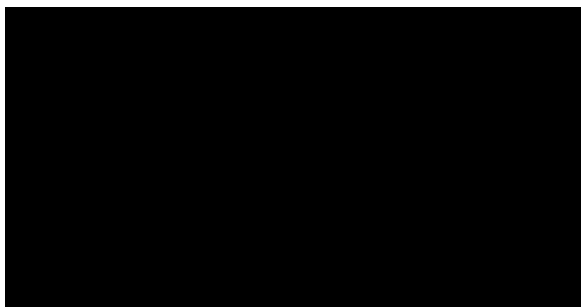
11. A Private Rented Tenancy Agreement commenced 2nd December 2017.
12. The Applicant intends to sell the Property. He is to retire and is to sell his whole property portfolio in due course.
13. The Respondent has been allocated a new property by her local authority.
14. The Respondent does not object to an order being granted.

Decision

15. The Tribunal found that ground 1 has been established and granted an order 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.



Legal Member/Chair

18th January 2023

Date