



**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/22/3263**

**Re: Property at 8 Blackwood, East Kilbride, G75 0SG (“the Property”)**

**Parties:**

**Mr David Hughes, Bredgade 81, Hejnsvig, 7250, Denmark (“the Applicant”)**

**Mr Thomas Bringham, Jennifer Paul, 8 Blackwood, East Kilbride, G75 0SG (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Janine Green (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondents from the property.
2. By decision dated 4 October 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant’s representative on 10 October 2022. The Tribunal intimated the application to the parties by letter of 24 November 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has

sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 15 December 2022. No written representations were received by the Tribunal.

### **The case management discussion**

4. The case management discussion took place by conference call. The Applicant was represented by Mr Coyle and the discussion proceeded in the absence of the Respondents. The Applicant's representative advised that the property is the only property owned by the Applicant in the UK; the Applicant now lives abroad and intends to sell this property. The Applicant has provided an affidavit setting out his circumstances. It is believed that the Respondents live alone at the property. It is not known whether the Respondents are in employment. The Respondents have been in touch with the Applicant and have made payments towards ongoing rent but have not made any arrangement to pay the arrears of rent, which now amount to over £5,000. The Applicant's representative submitted that it was reasonable in all of the circumstances to grant the order for eviction.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 1 February 2019.
6. The Applicant's representative served the Notice to Leave on the Respondents by sheriff officer on 10 May 2022.
7. The Applicants intend to sell the property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the written documents which were before it. The Applicant's representative invited the Tribunal to make the Order sought. The Applicant relied upon Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant intend to sell the property. The Respondents failed to lodge written representations and did not participate in the case management discussion. There was nothing before the Tribunal challenging or disputing any of the evidence before it. The Tribunal was satisfied that it was reasonable to grant the order evicting the Respondent from the property.

### **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.

# N. Irvine

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Legal Member/Chair

10 January 2023

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Date