



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/22/3663

Re: Property at 63 Stewart Road, Falkirk, FK2 7AQ (“the Property”)

Parties:

Mrs Mee Tiang, 3 Cadham Court, Glenrothes, KY7 6PH (“the Applicant”)

Mr Duncan McPhee, 63 Stewart Road, Falkirk, FK2 7AQ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order in favour of the Applicant.

Background

The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act on the basis that the Applicant wishes to sell the Property. The Application had been opposed by the Respondent and a Case Management Discussion had called previously on 3 February 2023. The Tribunal had made case management orders in the form of directions and assigned a Hearing to take place by video call.

The Hearing

The Application called for a Hearing by video conference at 10 am on 25 April 2023. The Applicant was not present but was represented by Mr Luke David of Purple Bricks plc. The Respondent was not present and was represented by his mother, Ms Sheena McPhee. The Tribunal began by considering whether there were any preliminary matters to raise. Ms McPhee confirmed that the Respondent now no longer wished to oppose the Application and was content for an Eviction Order to be made. The Respondent had now found alternate accommodation and was anticipating moving out of the Property in the middle of May.

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 tenancy agreement whereby the Applicant let the Property to the Respondent on a private residential tenancy which commenced on 9 October 2020;*
- II. *On 27 June 2023, the Applicant served a Notice to Leave in respect of Ground 1 of Schedule 3 of the Act. This notice informed the Respondent that no Application would be made to the Tribunal before 30 September 2022;*
- III. *The Applicant has complied with s 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. *Ground 1 of Schedule 3 of the Act was established both at the time of service of the notice to leave and also at today's date. The Applicant wishes to sell the Property to pay off personal debts;*
- V. *The Respondent no longer opposes the Application and intends to vacate the Property by the middle of May 2023. It is reasonable that an Eviction Order is granted.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted 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.

A McLaughlin

Legal Member/Chair

25 April 2023

Date