



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/22/4250

Re: Property at 35 Graham Terrace, Bishopbriggs, Glasgow, G64 1NJ (“the Property”)

Parties:

Mr Stefano Boni, 2 Kenmure Drive, Bishopbriggs, Glasgow, G64 2RQ (“the Applicant”)

Miss Natalie Reid, 35 Graham Terrace, Bishopbriggs, Glasgow, G64 1NJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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 for an order to evict the Respondent from the property.
2. By decision dated 14 December 2022, a Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 16 December 2022. Letters were issued on 3 February 2023 informing both parties that a CMD had been assigned for 9 March 2023 at 2pm, which was to take place by conference call. 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 Respondent was invited to make written representations by 24 February 2023. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Mr Jarvie. The CMD took place by conference call and proceeded in the absence of the Respondent. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/22/4251. The Applicant's representative explained that the let property is the only rental property owned by the Applicant. He intends to sell the let property to alleviate financial pressure and to dispense with the financial burden associated with being a landlord. The Respondent has not engaged with the Applicant in relation to these proceedings. Her personal circumstances are unknown to the Applicant, save for the fact that she lives in the property with her children. The Respondent has incurred rent arrears of £1,650. Although the level of rent arrears has not increased since the application was submitted, the payments made by the Respondent are sporadic. The Applicant has already instructed solicitors in respect of the proposed sale of the property. It was submitted that it was reasonable in the circumstances for an order for eviction to be granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 29 January 2019.
6. The Applicant's representative served Notice to Leave on the Respondent by email on 27 July 2022.
7. The Applicant intends to market the let property for sale.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent failed to submit written representations and failed to participate in the CMD. The Applicant produced a letter from solicitors, with whom he has agreed terms in respect of the marketing and sale of the property. The Tribunal was satisfied that ground 1 has been established and that it was reasonable to grant the order sought.

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

9 March 2023

Date