



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/23/0688

Re: Property at 24A Glasgow Street, Ardrossan, KA22 8EH (“the Property”)

Parties:

Felt Propertties, 27 Old Gloucester Street, London, WC1N 3AX (“the Applicant”)

Mary Lennon, 24A Glasgow Street, Ardrossan, KA22 8EH (“the Respondent”)

Tribunal Members:

Karen Kirk (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”) granted an Eviction Order against the Respondent.

1. Introduction

This Case Management Discussion (CMD) concerned an Application for an Eviction Order in respect of a Private Residential Tenancy under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference. Parties were advised on the procedure of a CMD and the rules regarding them.

2. Attendance and Representation

The Applicant was present personally as Alicia Taewo who is the director of the Applicants. Kathy Goosetree attended with the Applicant as her assistant.

The Respondent was not present or represented. The Respondent was served on 30th June 2023 by Sheriff Officer and she had not lodged any written representations or appeared.

3. Preliminary Matters.

The Applicant explained there had been no recent contact with the Respondent. The most recent contact was when an inspection took place at the property about a month ago.

There were no other preliminary matters raised.

4. Case Management Discussion.

The Applicant submitted that she sought an Eviction Order on the Grounds she wished to sell the property, Ground 1. She said she wishes to sell the property. She bought the property alongside another property at the same time and bought them together. She has sold the other property and now seeks to sell this property. The Applicant said she has a portfolio of around 14 or 15 rental properties and these had been scaled down from a total of 20. The Applicant said she was 49 years of age and that rental property is her sole occupation and she commenced scaling down with flats first then houses.

The Applicant did not know much about the Respondent. She said she believed the Respondent lived by herself and was in receipt of benefits. She was around 60 years of age and that the Local Authority had been in contact about alternative housing.

Reasons for Decision and Findings in Fact

- 1. The Tribunal was satisfied that a decision could be made in the absence of the Respondent at the Hearing and to do so would be in the interests of the parties, in the interests of justice and having regard to the Overriding objective. The Respondent had been served personally by Sheriff Officer on 30th June 2023. No written representations had been lodged by the Respondent. There was no appearance at the Hearing.**
- 2. The Applicant sought an Order for Eviction on the Grounds that she intended the sell the property. of rent arrears.**
- 3. The Tribunal was satisfied that the Applicant was the heritable proprietor of the Property as a copy title was lodged with the Application.**
- 4. There was a PRT in place between parties dated 25th September 2018.**
- 5. A Notice to Leave was sent to the Respondent on 14th October 2022.**
- 6. The Tribunal was satisfied on balance that the Applicant was in terms of Schedule 3, Part 3 Ground 1 of the 2016 Act intending to sell the property, was entitled to do so and intended to do so for market value.**
- 7. The Tribunal found that the requirements of Ground 1 of Schedule 3 to the Act had been met.**

8. The Tribunal was also satisfied that in terms of Section 52 of the 2016 Act a valid Notice to Leave had been given to the Respondent by valid means and the Application had been raised after the correct notice period.
9. The Tribunal noted the Local Authority under the 2016 had been notified on 29th October 2022.
10. On the limited evidence available to the Tribunal the Respondent had no dependents residing with her and was around 60 years of age. She was in receipt of benefit income. The Applicant was scaling down her rental properties and sought to sell same on that basis. The Tribunal found an Order was reasonable on balance in terms of the Coronavirus (Scotland) Act 2020.
11. Accordingly, in terms of Section 51 of the 2016 Act the Tribunal granted an Eviction order against the Respondents.

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

Date 10/08/23