



**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/23/1074**

**Re: Property at Flat 0/2 33 Cockmuir Street, Glasgow, G21 4XD (“the Property”)**

**Parties:**

**Dawn E Properties Limited, Dawn E Properties Limited, 58 Melville Gardens, Glasgow, G64 3DD; 58 Melville Gardens, Glasgow, G64 3DD (“the Applicant”)**

**Miss Sinead Henaghen, Mr Martin Drew, Flat 0/2 33 Cockmuir Street, Glasgow, G21 4XD; Flat 0/2 33 Cockmuir Street, Glasgow, G21 4XD (“the Respondents”)**

**Tribunal Members:**

**Nairn Young (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that**

- Background

This is an application for an order for eviction of the Respondents, who occupy the Property in terms of their private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 10am on 18 August 2023, by teleconference. The Applicant was represented by Mr and Mrs Eldridge, its directors. The first-named Respondent was on the call in-person and spoke on behalf of both Respondents.

- Findings in Fact

The relevant facts were not in dispute between the parties, as follows:

1. The Respondents let the Property from the Applicant under a private residential tenancy agreement with a start date of 19 March 2019.
2. On 4 January 2023, the Applicant served notices to leave on the Respondents by email, indicating that it intended to rely on Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the tribunal to follow for an eviction order.
3. The Applicant owns the Property.
4. The Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of regaining possession of it.
5. The Applicant owns a portfolio of properties which it is selling, due to its directors' intention to retire from the property letting business.
6. The Property has been earmarked by the Applicant for sale at this time, due to the fixed-rate period of the mortgage it is subject to coming to an end in January 2024.
7. The Respondents live at the Property with their two daughters, aged 6 and 9.
8. The Respondents have tried to find alternative accommodation, both in the private and public/ third sector, unsuccessfully.
9. The Respondents have been told that they cannot be given any priority, or any support from homelessness services, unless an order for their eviction has actually been granted.

- Reasons for Decision

10. The only question that was in dispute between the parties in this case was whether or not it is reasonable for an order for eviction to be granted. The Tribunal was satisfied that it is.

11. The Applicant was able to set out a cogent and reasonable basis for its intention to sell this particular property at this time. At the time of the CMD, the Respondents had had 8 months to find alternative accommodation, to no avail. On the basis that they had been told outright by housing providers that they would not be given priority unless they had had an order for eviction granted against them, the Tribunal did not consider that there was any reason to believe that delaying granting an order by a few months would improve their situation. On the contrary, the Tribunal considered that having an order granted against them would rather allow them access to better support from the local authority and give their outstanding applications greater priority.

12. For these reasons, the Tribunal considered it was reasonable to grant the order.

- Decision

### **Eviction order granted.**

### **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**

**18<sup>th</sup> August 2023**

**Date**