



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/23/2125

Re: Property at 16 Cadham Square, Glenrothes, KY7 6PL (“the Property”)

Parties:

Mr Craig Adamson, 493 Heather Court, Glenrothes, KY7 6TW (“the Applicant”)

Mr Greg Holland, 16 Cadham Square, Glenrothes, KY7 6PL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 28th June 2023. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 11th August 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 14th September 2023 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 1st September 2023.

The Case Management Discussion

3. A CMD was held on 14th September 2023 at 2pm by teleconferencing. The Applicant was represented by Anna Rossiter, Premiere Rentals Fife Ltd. The Respondent was present and represented himself.
4. Ms Rossiter told the Tribunal that the Applicant own only one rental property. He owns the house that he lives in as well. He had bought that property to live with his mother who was not well. His mother has now moved into a care home. That property has three bedrooms. He now wishes to sell that property and move into this property which is smaller and in a better area. The Applicant now wishes to retire and no longer be a landlord.
5. Ms Rossiter said that her firm has been managing the Property for some time. The Respondent has been a very good tenant and always paid his rent on time. She has no issue about letting another property to him. She has been trying to find something suitable for him and made his priority on her firm's lists.
6. The Respondent said that he has been struggling to find alternative accommodation. He is willing to move out for the right property. He is qualifying as an Ambulance Care Assistant in November. This will increase his pay which will allow him to extend his options regarding other properties to rent. The Tribunal noted that any order granted would not be able to be enforced for 6 months due to the Cost of Living (Tenant Protection) (Scotland) Act 2022. The Respondent does not have any objection to an order being granted on that basis as that will allow him time to find another property once he receives his higher wage.

Findings and reason for decision

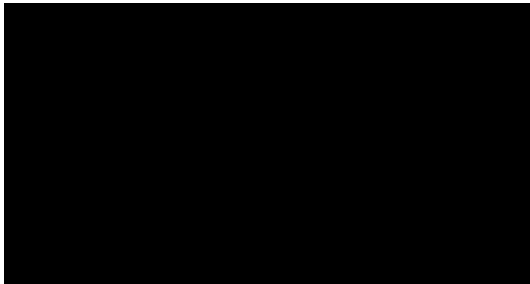
7. A Private Rented Tenancy Agreement commenced 11th July 2019.
8. The Applicant wishes to sell the house he lives in and downsize since his mother has moved into a care home. He then wishes to move into this property as it is more suitable size and in a better area.
9. The Respondent does not object to an order being granted on the basis that the order cannot be enforced for 6 months as per the Cost of Living (Tenant Protection) (Scotland) Act 2022. This will allow him time to find alternative accommodation.
10. There are no issues of reasonableness that would prevent an order being granted.

Decision

11. The Tribunal found that ground 4 has been established and granted an order in favour of the Applicant.

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

14th September 2023

Date