



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.

Chamber Ref: FTS/HPC/EV/22/3207

Re: Property at 7 Selvieland Road, Glasgow, G52 4AP (“the Property”)

Parties:

Mrs Angela Elmes, 11 Calside Avenue, Paisley, PA2 6DD (“the Applicant”)

Miss Katie Lee, 7 Selvieland Road, Glasgow, G52 4AP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (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.

Background

The Applicant seeks an Eviction Order on the basis of ground 1 of Schedule 3 of the Act in that it is said that the Applicant wishes to sell the Property. The Application is accompanied by a copy of the tenancy agreement between the parties, a notice to leave in terms of ground 1 and proof of it having been served, a copy of the notice to the local authority under s11 of the Homelessness (etc) (Scotland) Act 2003 and an affidavit from the Applicant setting out the reasons for wanting to sell the Property. The Application was opposed by the Respondent.

A Case Management Discussion took place on 21 December 2023 and case management orders were made in the form of Directions regulating further procedure. A Hearing was then assigned.

The Hearing

The Application called for a Hearing by conference call at 10 am on 14 March 2023. The Applicant was present together with her solicitor Ms Bruce of Complete Clarity Solicitors. The Respondent was present. There was a delay in the Respondent's solicitor attending. The Tribunal adjourned and recommenced with Ms Simpson of Govan Law Centre also in attendance as the Respondent's representative. Parties explained that the matter had been resolved and the Tribunal was now asked to grant the Eviction Order on the understanding that there was a private agreement between the parties about the timescales for enforcing any order granted.

Having heard from parties and considered the Application, the Tribunal makes the following findings in fact.

Findings in Fact

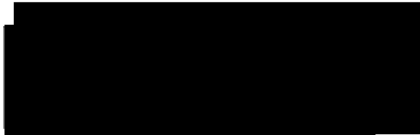
- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy that commenced on 10 January 2019;*
- II. *The contractual monthly rent was £650.00;*
- III. *On 20 December 2021, The Applicant competently served a notice to leave on the Respondent in terms of ground 1 of schedule 3 of the Act on the basis that the Applicant wishes to sell the let Property;*
- IV. *The Respondent did not vacate the Property by the date set out in that notice to leave. This Application was subsequently raised;*
- V. *The Applicant has complied with s11 of the Homelessness (etc) (Scotland) Act 2003;*
- VI. *The ground set out in the notice to leave was established at the date of service and remains established at today's date;*
- VII. *The Respondent has agreed to vacate the Property;*
- VIII. *It is reasonable that an Eviction Order is granted.*

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.



Legal Member/Chair

14 March 2023

Date