



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/22/1095

Re: Property at Flat 1/2, 83 Bolton Drive, Glasgow, G42 9DS (“the Property”)

Parties:

Mr John Duffy, Mrs Bridget Duffy, 186 Carmunnock Road, Kings Park, Glasgow, G44 5AJ (“the Applicant”)

Ms Amie Warnock, Flat 1/2, 83 Bolton Drive, Glasgow, G42 9DS (“the Respondent”)

Tribunal Members:

Karen Kirk (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted an Eviction Order by consent against the Respondent.

Introduction

This Hearing was a Case Management Discussion fixed in terms of Rule 17 of the Procedure Rules and concerned an Application for an Eviction Order under 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016.

Present

Kirsty Donnelly TC Young Solicitors, 7 West George Street, Glasgow, G2 1BA attended for the Applicant.

Lynsey McBride, Govan Law Centre, 18-20 Orkney St, Govan, Glasgow G51 2BZ attended for the Respondent.

Preliminary Matter

There were no preliminary matters.

The Hearing

- The Applicant's representative set out that parties had agreed settlement terms for this application and the separate application between them for a payment order. Correspondence had been lodged on behalf of parties confirming consent to the order. An up to date rent statement dated to 6th July 2022 had been lodged. The Respondent's representative agreed to the sum due.
- The Applicant's representative set out that the Applicant's require to sell the property as they are working but on low incomes and the cost of living increase has meant they will now withdraw from the rental market.
- The Respondent's representative said the Respondent had met the rental amount for a large period of time but she is no longer able and is actively seeking appropriate accommodation.

Findings in Fact

1. The Tribunal determined that it was in the interests of justice, parties and having regard to the overriding objective of the Tribunal for a decision to be made at the CMD, in light of the joint position of parties in particular. All necessary material was before the Tribunal in order to make a decision and both parties representative's had confirmed in writing to the Tribunal their agreed positions. The Applicant sought an Eviction Order. The Respondent consents to same.
2. The Respondent entered into a Private Residential Tenancy for the property at on 6th April 2018.
3. In terms of Ground 1, Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 parties had agreed that same was established on the basis that the Applicant's require to sell the property as they are working but on low incomes and the cost of living increase has meant they will now withdraw from the rental market. The Respondent consented to an order for Eviction, she after having been able to meet the rental payment can no longer and is actively seeking appropriate accommodation. Both parties agreed an order was reasonable.

Reasons for the Decision

The Tribunal heard evidence from the Applicant's representative and the Respondent's representative that parties had agreed fully on terms and sought jointly for an order to be granted. The Tribunal therefore granted 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.

K. Kirk

13th July 2022

Legal Member/Chair

Date