



**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/23/1746**

**Re: Property at 43 Ashby Crescent, Knightswood, Glasgow, G13 2NS (“the Property”)**

**Parties:**

**Mr Kulraj Singh Burmy, 91 Blackhill Gardens, Glasgow, G23 5NE (“the Applicant”)**

**Miss Senia Hay, 43 Ashby Crescent, Knightswood, Glasgow, G13 2NS (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 19 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Tribunal intimated the application to the parties by letter of 27 July 2023 and advised them of the date, time and conference call details of today’s CMD. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on

the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 17 August 2023. No written representations were received from the Respondent.

### **The case management discussion**

4. The CMD took place by conference call. The Applicant was represented by Miss Nicola Brechany and she was joined by her colleague, Miss Simone Callaghan who observed proceedings. The Respondent did not join the conference call and the discussion proceeded in her absence. The Applicant's representative explained that the property is the only rental property owned by the Applicant. As a result of increased mortgages rates, the Applicant's mortgage payment exceed the rental payments. The Applicant therefore intends to sell the property. The Respondent lives in the property with her 2 children. The Applicant and Respondent have been in contact and the Respondent has advised that she needs an eviction order to be granted so that she can make an application for alternative accommodation. The Applicant's representative had no further information regarding the Respondent's personal circumstances. It was submitted that it was reasonable in all of the circumstances to grant an order for eviction.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 22 March 2021.
6. The Applicant's representative served the Notice to Leave on the Respondent by email on 28 September 2022.
7. The Applicants intend to sell the property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent did not lodge any written representations, nor did she participate in the CMD. The Applicant has obtained a home report and now intend to sell the property. The Tribunal was satisfied that the ground for eviction was established and that it was reasonable to grant the order evicting the Respondent from the property.

## **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.**

**Nicola Irvine**

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**Legal Member/Chair**

**24 August 2023**  
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**Date**