



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/20/1229

Re: Property at 4/4 (otherwise 4 1F1), Dalgety Road, Edinburgh, EH7 5UJ (“the Property”)

Parties:

Miss Catriona Millar, 23 Craigentenny Avenue North, Edinburgh, EH6 7LJ (“the Applicant”)

Mr Chamkaur Singh otherwise Dhindsa, Mrs Harjeet Singh, unknown, unknown, unknown, unknown; 4/4 (otherwise 4 1F1), Dalgety Road, Edinburgh, EH7 5UJ (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member)

Decision (in absence of the First Respondent)

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

Background

The Applicant holds the landlord's interest and the Respondents the tenant's interest under a private residential tenancy agreement dated 26 January 2019. The Applicant wishes possession of the Property to be granted in her favour in respect that she wishes to refurbish the Property.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by conference call on 2 September 2020. The Applicant was present. The Second Respondent was present. The First Respondent was neither present nor represented. The Second Respondent advises that he has “run off” to India. The Tribunal was satisfied that notification of the hearing had been given to the First Respondent. The First Respondent has taken no part in any stage of the proceedings.

The Second Respondent accepted that the Applicant intends to carry out refurbishment works and she does not oppose the eviction.

Findings in Fact

The Applicant holds the landlord's interest and the Respondent the tenant's interest under a private residential tenancy agreement dated 26 January 2019.

The Applicant wishes to carry out refurbishment of the Property.

She wishes to install a central heating system.

She wishes to rewire the Property.

She intends to carry out other building works.

The Applicant obtained building warrant from the local authority on 28 January 2020.

On 25 February 2020, the Applicant served a Notice to Leave requiring the Respondents to leave by 22 May 2020.

The Respondents remain in occupation.

Reasons for Decision

The Tribunal is satisfied that the Applicant intends to refurbish the Property; that she is entitled to do so; and that it would be impracticable for the Respondents to continue to occupy the Property given the nature of the refurbishment intended. The Tribunal accordingly requires to make an order in terms of section 51(1) of the 2016 Act.

Decision

An order for possession of the Property will be made 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.

John McHugh

John McHugh, Legal Member/Chair

2 September 2020
Date