



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

Reference number: FTS/HPC/EV/21/0997

Order granted on 29 June 2021 in absence of the Respondent.

Property: 53 Bathgate Road, Blackburn, West Lothian, EH47 7JN

Parties:

Keith Gilchrist, residing at 136 Lenzie Avenue, Deans, Livingston, West Lothian, EH54 8NT ("the Applicant")

Susan Rees, residing at 53 Bathgate Road, Blackburn, West Lothian, EH47 7JN ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 1 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant had lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to leave, served on 16 October 2020, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicant is the heritable proprietor of the Property.

Case Management Discussion

A case management discussion took place by telephone conference at 11.30am on 29 June 2021. The Applicant was present (by telephone). The hearing was delayed until 11.40am to allow sufficient time for the respondent to participate, but there was no appearance by or on behalf of the Respondent.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 7 & 9 September both 2020. The respondent took entry to the property on 1 September 2019.
2. The rent in terms of the Tenancy Agreement was £550 per month.
3. The applicant has decided to sell the property as soon as possible. He has already instructed estate agents who are ready to market the property for sale as soon as the respondent vacates the property. The applicant is the heritable proprietor of the property and is entitled to sell property. The applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the respondent ceasing to occupy it.
4. On 16 October 2020 the applicant served a notice to leave on the respondent in terms of s.50 of the Private Housing (Tenancies) (Scotland) Act 2016. On 23 April 2021, the applicant submitted an application to the tribunal.
5. The Applicant seeks recovery of possession of the Property in terms Ground 1 of part 1 of schedule 3 to the 2016 Act. The applicant produces evidence of entitlement to sell the property and of his intention to market the property for sale immediately.
6. The respondent offers no resistance to this application. Sheriff Officers served notice of this hearing on the respondent on 25 May 2021.
7. It is not argued that it is unreasonable to grant an order for repossession of the property. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the property.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in in terms Ground 1 of part 1 of schedule 3 to the 2016 Act is

established. The respondent offers no defence to the application. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 1 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.

P. D

Legal Member

29 June 2021