



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/21/2134

Re: Property at Flat 3/2, 34 Main Steet, Cambuslang, Glasgow, G72 7ER (“the Property”)

Parties:

Mr William McDermott, Mrs Elizabeth McDermott, 2 Aspen Place, Cambuslang, Glasgow, G72 7ZE (“the Applicants”)

Mr Michael Onyekechi Shedrack Owoh, Flat 3/2, 34 Main Steet, Cambuslang, Glasgow, G72 7ER (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member)

Decision (in absence of the Respondent)

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

Background

[1] The Applicants submitted an application seeking an order to evict the Respondent from the property. The Tribunal issued a letter to the parties dated 23 September 2021 advising them of the date, time and conference call details of today’s case management discussion. 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 14 October 2021.

The Respondent wrote to the Tribunal by letter dated 11 October 2021 which has been lodged with the Tribunal papers.

The Case Management Discussion

- [2] The Applicants participated in the case management discussion which took place by conference call. The discussion proceeded in the absence of the Respondent.
- [3] The First Applicant advised that he notified the Respondent a year ago that the Applicants wished to sell the property. The Applicants did not take any active steps at that point to market the property for sale because of the difficulties caused by the pandemic. The Applicants gave the Respondent notice to leave on 27 February 2021. The First Applicant explained that he and his wife intend to sell the property as soon as possible if they secure vacant possession. The First Applicant referred the Tribunal to the copy email produced from him to Purple Bricks dated 17 August 2021. He explained that the Applicants intend to instruct Purple Bricks to market the property for sale within 3 months of regaining possession of the property.
- [4] The Applicants sought the order for eviction on the basis of ground 1 of schedule 3 of the 2016 Act. It was submitted that it was reasonable in all the circumstances for the Tribunal to grant the order for eviction.

[5] Findings in Fact

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 1 July 2019.
- ii. The Applicants served Notice to Leave by email on 27 February 2021.
- iii. The Applicants intend to instruct Purple Bricks to market the property for sale within 3 months of recovering possession.

Reason for Decision

- [6] The Tribunal proceeded on the basis of the written documents which were before it and the submissions made at the case management discussion. In his

letter dated 11 October 2021, the Respondent accepted that he had received the Notice to Leave and advised that he has been looking for alternative accommodation. It is now more than 8 months since the Notice to Leave was served. The First Applicant invited the Tribunal to make the Order sought. The Applicants relied upon Ground 1 of Schedule 3 of the 2016 Act. The Notice to Leave had been served, providing 6 months' notice. The Applicants produced email correspondence sent to the estate agents they intend to instruct to market the property for sale. The Tribunal was satisfied that Ground 1 had been established, and that it was reasonable in all the circumstances to grant the order sought.

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

Legal Member/Chair

1 November 2021
Date