



**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/22/0107**

**Re: Property at 76 Granby Avenue, Livingston, Howden, EH54 6LD (“the Property”)**

**Parties:**

**Mr Michael Barclay, 64 Granby Avenue, West Lothian, Howden, Livingston, EH54 6LD (“the Applicant”)**

**Mrs Joan Chalmers, 76 Granby Avenue, Livingston, Howden, EH54 6LD (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**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. A case management discussion took place by conference call on 12 April 2022. Reference is made to the Note issued by the Tribunal following that discussion.
2. In response to the Tribunal’s Notice of Direction of 12 April, the Applicant’s representative lodged by email of 28 April copy missives in respect of the proposed sale of the property, together with a written submission on the issue of reasonableness.

### **The case management discussion**

3. The case management discussion proceeded by conference call. The Applicant was represented by Mr Bryan and the Respondent participated personally in the discussion. The Tribunal noted that the Applicant lodged additional documentation in support of the application, showing that the Applicant intends to sell the property. The Respondent advised that the application is not opposed. She confirmed that she had contacted the local authority with regard to her situation and was advised that she would only be considered for rehousing when an eviction order was issued by the Tribunal. She has not yet secured alternative accommodation and intends to update the local authority when an eviction date has been identified. The Applicant relied upon ground 1 of schedule 3 to the Act, namely, that he intends to sell the property. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

### **Findings in Fact**

4. The parties entered into a Private Residential Tenancy Agreement which commenced 1 June 2019.
5. The Applicant's representative served the Notice to Leave on the Respondent by recorded delivery post on 9 June 2021.
6. The Applicant intends to sell the property.

### **Reason for Decision**

7. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent did not oppose the application. The Tribunal was satisfied that ground 1 has been established and that it is reasonable for the Tribunal to grant the order for eviction.

### **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.**

**N. I**

---

**Legal Member/Chair**

---

**Date:** 13 June 2022