



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/21/3123

Re: Property at 27 Sighthill Neuk, Sighthill, Edinburgh, EH11 4NZ (“the Property”)

Parties:

Mr Graham McNab, Mrs Donna McNab, Mountview, Tarbrax, West Calder, EH55 8XD (“the Applicants”)

Mrs Alana Moss, 27 Sighthill Neuk, Sighthill, Edinburgh, EH11 4NZ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gerard Darroch (Ordinary 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.

[1] Background

The application before the Tribunal was made in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property. The Tribunal intimated the application to the parties by letter of 26 January 2022 and advised 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 16 February 2022.

No written representations were received by the Tribunal. The Tribunal observed that sheriff officers successfully intimated the application to the Respondent on 28 January 2022.

The case management discussion

[2] The Applicants were represented by Miss Morrison. The case management discussion proceeded by conference call and in the absence of the Respondent. The Tribunal was advised that the Applicants intend to sell the property in the event of them obtaining vacant possession. The Applicants produced a copy of a letter of engagement issued by T C Young solicitor in relation to the intended sale of the property. Although the Respondent did not participate in the discussion, the Applicants' representative explained that the Respondent made contact with the Applicants' letting agent yesterday, advising that she was in the process of vacating the property and would deliver the keys yesterday. As of today, the keys have not been returned. The Applicants relied upon ground 1 of schedule 3 to the Act, namely, that they intend to sell the property. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

[3] Findings in Fact

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 9 March 2020.
- ii. The Applicants' representative served the Notice to Leave on the Respondent by email on 19 May 2021.
- iii. The Applicant intends to sell the property.

[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. 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.

Nicola Irvine

Legal Member/Chair

8 March 2022

Date