



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/23/1479

Re: Property at 8 Balgonie Road, Markinch, Glenrothes, KY7 6AQ (“the Property”)

Parties:

Mrs Jean McCluskie, Mrs Rona Evelyn Paterson, Torton Grove, Torton Lane, Torton, Kidderminster, Worcestershire, DY11 7SG (“the Applicants”)

Mr Reece Baird, Ms Mata Morcillo Valcarcel, 8 Balgonie Road, Markinch, Glenrothes, KY7 6AQ (“the Respondents”)

Tribunal Members:

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

Decision (in absence of the Respondents)

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 under Rule 109 for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 8 June 2023. Letters were issued on 20 June 2023 informing both parties that a CMD had been assigned for 31 July 2023 at 2pm, which was to take place by conference call. 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 Respondents were invited to make written representations by 11 July 2023. No written representations were received by the Tribunal.

The case management discussion

4. The Applicants were represented by Ms Gillian Matthew. The CMD took place by conference call and proceeded in the absence of the Respondents. This case called alongside a related case which proceeds under chamber reference FTS/HPC/CV/23/1480. The Applicants' representative explained that the Applicants wish to sell the property because they no longer wish to have the burden of being landlords. They have agreed terms of business with a marketing agent. The information available to the Applicants' representative was to the effect that the Respondents do not have any dependents. There was no information to suggest that the Respondents suffer from any health issues or have any other vulnerabilities. In the last few months there was some contact between the Respondents and the Applicants' letting agent regarding maintenance but there has been no recent contact. It was submitted that it was reasonable in the circumstances for an order for eviction to be granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 25 March 2022.
6. The Applicants' representative served Notice to Leave on the Respondents by email on 2 February 2023.
7. The Applicants intend to market the let property for sale.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondents failed to submit written representations and failed to participate in the CMD. The Applicants produced a letter from marketing agents, with whom they have agreed terms in respect of the sale of the property. The Tribunal was satisfied that ground 1 has been established and that it was reasonable 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.

N Irvine

Legal Member/Chair

31 July 2023
Date