



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 “The Act”

Chamber Ref: FTS/HPC/EV/22/3058

Re: Property at 41 Lochburn Gardens, Glasgow, G20 0SL (“the Property”)

Parties:

Mr Iain Butterwick, 62A Kea Boumann Street, Amsterdam, 1095A, The Netherlands (“the Applicant”)

Ms Selena Robertson, 41 Lochburn Gardens, Glasgow, G20 0SL (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) decided to grant the Application and made an Eviction Order

Background

The Applicant seeks an Eviction Order on the basis of Ground 1 of Schedule 3 of the Act in that it is said that the Applicant wishes to sell the Property. The Application is accompanied by a copy of the tenancy agreement between the parties, a notice to leave and proof of it having been served on the Respondent and a notice under s 11 of the Homelessness (Etc) (Scotland) Act 2003.

The Case Management Discussion

The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 8 December 2022. The Applicant was represented by Ms Carr of Blackadders solicitors. The Respondent was personally present. The Respondent informed the Tribunal that she understood the nature of the Application and was happy for the Tribunal to grant the order sought. She indicated that she had been told that in order to secure alternate housing she would need to have an eviction order made and so she was hoping that this could be done as soon as possible. The Tribunal established that the Respondent understood the impact of this position.

Having heard from parties and having considered the documentation, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy;*
- II. *The Applicant wishes to sell the Property;*
- III. *The Applicant competently served a Notice to Leave on the Respondent in terms of Ground 1 of Schedule 3 of the Act;*
- IV. *At the time the Notice to Leave was served and also as at today's date, ground 1 is established;*
- V. *The Respondent is content for the Tribunal to make an Eviction Order;*
- VI. *It is reasonable that an Eviction Order is made.*

Reasons for Decision

Having made the above findings in fact, the Tribunal granted the Application and made an Eviction Order.

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.

Andrew McLaughlin

Legal Member/Chair

Date

8 December 2022