



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

Chamber Ref: FTS/HPC/EV/23/2587

Re: Property at 3/2 350 Meadowside Quay Walk, Glasgow, G11 6DL (“the Property”)

Parties:

Mr Michael (Mike) Sage, Lucy Sage, 2 Helenslee Place, Dumbarton, G82 4BY (“the Applicant”)

Mr Ashutosh Samal, Mr Shreyas Narendra Joshi, 3/2 350 Meadowside Quay Walk, Glasgow, G11 6DL; 73, Florence, Courtyard, Pokharan Road no. 2, Near Vasant Vihar, Thane West, Maharashtra, PIN: 40061, India (“the Respondent”)

Tribunal Members:

Lesley-Anne Mulholland (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

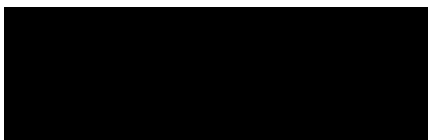
The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

1. This is an application under Section 51(1) of the Private Housing (Scotland) Act 2016 for an Order for Removal on the basis that the Applicants intends to sell the property.
2. The Applicants are the owners/landlords of the property. The Respondents are the Tenants.
3. A two-member Case Management Discussion (CMD) took place at 2.00pm on 20 November 2023 by teleconference. The Applicant’s representative, Mrs Smith joined the discussion. The Respondents had not joined by 210pm. We had not been notified of any difficulty in joining the discussion. We decided to proceed in their absence having regard to the overriding objective as it was fair, just and reasonable to do so.

4. Mrs Smith informed us that the landlords need to sell the property. We were referred to a statement prepared by the landlords in which they state that the increase in the cost of meeting mortgage repayments has outstripped the rent liability, the property is making a loss and that the money from the sale of the property was intended to be used for the purchase of their own property.
5. The first respondent vacated the property and notified the applicants. The second respondent remains within the property. An order for removal is required as the tenancy has not come to an end as it is a joint tenancy.
6. Having considered all of the evidence before us, orally and in writing, we decided to grant an Order for Removal. We were satisfied that the relevant papers had been served upon the first and second respondents, that the first respondent had left the property and the second respondent remains there. It is reasonable to grant an Order for Removal as the second respondent has failed to engage with the applicants in any meaningful way or vacate the property despite having been given appropriate notice.
7. The Applicants have served the Section 11 Notice on the Local Authority and the Respondents can contact them to apply for suitable alternative housing. We have no information before us to indicate that there are any particular circumstances to demonstrate that the granting of the Order would not be reasonable in all the circumstances.
8. Accordingly, we grant an Order for Removal.

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.



Legal Member/Chair

Date 20 November 2023