



Decision 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/23/4261

Re: Property at 970 Pollokshaws Road, 1/2, Glasgow, G41 2HA (“the Property”)

Parties:

Mr Patrick Campbell, Campbell McCartney Solicitors, 430 Victoria Road, Glasgow, G42 8YU (“the Applicant”)

Miss Clarissa Woods, 970 Pollokshaws Road, 1/2, Glasgow, G41 2HA (“the Respondent”)

Tribunal Members:

Neil Kinnear (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

Background

This was an application for an eviction order dated 29th November 2023 and brought in terms of Rule 109 (Application for an eviction order) of *The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended.

The Applicant sought an eviction order in relation to the Property against the Respondent and provided with his application copies of the private residential tenancy agreement, notice to leave and proof of service, section 11 notice and proof of service, and various correspondence regarding the proposed sale of the Property.

All of these documents and forms had been correctly and validly prepared in terms of the provisions of the *Private Housing (Tenancies) (Scotland) Act 2016* and the

Coronavirus (Scotland) Act 2020, and the procedures set out in those Acts appeared to have been correctly followed and applied.

The Respondent had been validly served by sheriff officers with the notification, application, papers and guidance notes from the Tribunal on 30th January 2024, and the Tribunal was provided with the execution of service.

During the evening of the 14th March 2024, the Tribunal received an e-mail from the Respondent and her father confirming that she intended to leave the Property and awaited confirmation of the date by which she was to do so.

Case Management Discussion

A Case Management Discussion was held at 10:00 on 15th March 2024 by Tele-Conference. The Applicant did not participate and was represented by Mr Deen, letting agent. The Respondent did not participate and was not represented.

The Respondent had confirmed by e-mail that she did not oppose the granting of the order sought.

Mr Deen explained that the Applicant was intending to retire, and as a consequence was leaving the rental market. He rented out four properties, of which the Property was one, and was in the process of arranging to sell them all. He invited the Tribunal to grant the order sought.

Statement of Reasons

In terms of Section 51 of the *Private Housing (Tenancies) (Scotland) Act 2016* (“the Act”) as amended by the *Coronavirus (Scotland) Act 2020*, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

Para 1 of Schedule 3 to the Act provides that it is an eviction ground that the landlord intends to sell the let property. The Tribunal may find that this ground applies if the landlord (1) is entitled to sell the let property, (2) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and (3) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

The Tribunal was satisfied that ground 1 had been established. The landlord was entitled to sell the Property and intended to sell it.

The Tribunal was satisfied that it was reasonable to issue an eviction order. The Respondent did not oppose the order sought.

Decision

In these circumstances, the Tribunal made an eviction order against the Respondent in this application.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

N Kinnear

15th March 2024

Legal Member/Chair

Date