



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/23/4350

Re: Property at Ground Floor Flat 2, 14 Gray Street, Perth, PH2 0JJ (“the Property”)

Parties:

Mrs Paulin Henderson, Jason Henderson, 9 Brampton Road, Wandi, Western Australia, 6167, Australia (“the Applicants”)

Mrs Margaret Ash, Ground floor flat 2, 14 Gray Street, Perth, PH2 0JJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision

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 Respondent 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. Letters were issued on 13 February 2024 informing both parties that a CMD had been assigned for 26 March 2024 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were 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 5 March 2024. No written representations were received by the Tribunal.

The case management discussion

4. The CMD took place by conference call. The Applicants and Respondent joined the conference call. The Tribunal explained the purpose of the CMD. The Applicants explained that their circumstances have changed since the start of the tenancy. They now have a 3 year old child and live in Australia. This is the only rental property that they own and it is no longer financially viable for them to rent the property. The mortgage payments are higher than the rental income and the Applicants also have to pay insurance and maintenance. As a result of these factors, the Applicants intend to sell the let property. The Respondent did not oppose the application. She lives in the property with her 18 year old son. She considered that a private let is no longer viable for her and she considered that social housing would be more suitable. The Respondent has been in contact with the local authority but was told that no alternative accommodation would be sought for her unless and until an eviction order was granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 August 2018.
6. The Applicants served Notice to Leave on the Respondent by email on 19 April 2023.
7. The Applicants intends to live in the let property.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicants relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicants explained the reason they wished to sell the property. The Respondent did not oppose the application for an eviction order. The Tribunal was satisfied that ground 1 had 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.

Nicola Irvine

Legal Member/Chair

26 March 2024

Date