

Housing and Property Chamber
First-tier Tribunal for Scotland



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/19/3285

Re: Property at Flat 2/3, 22 Larchfield Avenue, Scotstoun, Glasgow, G14 9FE (“the Property”)

Parties:

Mr Greg Martin, 110 First Street, Apartment 12L, Jersey City, New Jersey, 07302, United States (“the Applicant”)

Mr Daniel Hugo Ling, Flat 2/3, 22 Larchfield Avenue, Scotstoun, Glasgow, G14 9FE (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

Background

1. A previous Case Management Discussion (“CMD”) took place on 10th January 2020. The Note from the CMD outlines the background. The Respondent accepted the ground of eviction, but was seeking time to secure a new property. This was agreed by the Applicant’s agent. The CMD was continued accordingly.

Case Management Discussion

2. The Applicant was represented by Sharon Anderson of Caledonia Property. The Respondent appeared personally. The Respondent had been pursuing other properties. He thought he had secured one, and was hoping to have moved in the previous weekend. He had thought that his deposit could just be transferred to the new tenancy, but the Applicant’s Agent had told him that he had to vacate the property before she could apply for it to be returned. It could

then be transferred swiftly. She said that there was no difficulty with the deposit being returned as an inspection had been carried out and the property was well kept.

3. Miss Anderson said that the first CMD had been continued because they fully expected the Respondent to have a new tenancy quickly. She was giving him all the assistance she could, and she said that the Respondent had kept her Agency fully informed about what he was doing to find a new place to live.
4. On the basis that the Respondent had previously accepted that the grounds were established, and that any order granted could not be enforced for a set period, it was agreed between the parties that the Chairperson should grant the order, which would bring proceedings to an end.

Findings In Fact

1. The parties entered in to a Tenancy Agreement in relation to the property.
2. The Respondent had been effectively served with a Notice To Leave.
3. The Respondent accepted that the Ground of Eviction had been established.

Reasons For Decision

The Respondent accepted that the ground had been established, was looking to secure a new tenancy, and consented to the order being granted.

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.

A. J. Kelly

Legal Member/Chair

J

Date

17/2/2020