



**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/22/2283**

**Re: Property at 72 Netherhouse Place, Glasgow, G34 0DT (“the Property”)**

**Parties:**

**Mrs Jane Stevenson, 508 Edinburgh Road, Glasgow, G33 3AH (“the Applicant”)**

**Mandy McSherry, 72 Netherhouse Place, Glasgow, G34 0DT (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Linda Reid (Ordinary Member)**

**Decision**

**1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the eviction of the Respondent from the property at 72 Netherhouse Place, Glasgow G34 0DT be made, on the ground that the Applicant wishes to sell the property and it is reasonable in all of the circumstances that the eviction be granted. The order for eviction shall not be enforced until 9 March 2023.**

**Background**

**2. This was a case management discussion (‘CMD’) in connection with an application for eviction in terms of rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Procedure Regulations 2016, (‘the rules’) on the ground that the Applicant wishes to sell the property. The parties had reached an agreement in advance of the CMD to the effect that the eviction order would be granted but the order would be suspended for 12 weeks to enable the Respondent time to move into her new tenancy. The tribunal had before it the following copy documents:**

- Application dated 11 July 2022.
- Land certificate.

- Landlord registration details.
- Notice to leave dated 6 April 2022.
- Proof of service of the notice to leave.
- Letter from engagement from Ross Sales and Lettings dated 17 August 2022.
- Written representations by the Respondent.

### **3. Findings in fact**

The Applicant is the owner and registered landlord of the property.

The parties entered into a private residential tenancy for let of the property on 1 January 2020.

The Applicant wishes to sell the property due to her ill health.

The Applicant has engaged the services of an estate agent to market the property.

The Applicant served the Respondent with a valid notice to leave on 7 April 2022.

The notice to leave expired on 2 July 2022.

The Respondent has found a new tenancy and has agreed to move out of the property.

### **4. Reasons**

This is an undefended eviction application. The Applicant wishes to sell the property and served a valid notice to leave dated 6 April 2022 on the Respondent on 7 April 2022 with a notice period of three months. The Applicant has a cancer diagnosis and wishes to sell the property. The Respondent has been offered a new tenancy but this will require some repairs and she requires time to organise this. The parties have agreed that the eviction order should be granted with the order suspended for three months. The tribunal was satisfied that it is reasonable in all of the circumstances to grant the eviction with the order suspended until 9 March 2023.

### **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.**

**Lesley Anne Ward**

**8 December 2022**

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**Legal Member**

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**Date**