



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/21/0151

Re: Property at Gaups Mill, Moniaive, Thornhill, DG3 4ER (“the Property”)

Parties:

Mr Robert Von Schiller, C/O Levy and McRae Solicitors LLP, 70 Wellington Street, Glasgow, G2 6UA (“the Applicant”)

Ms Joanna Parker, Gaups Mill, Moniaive, Thornhill, DG3 4ER (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and David Fotheringham (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that: (i) the Applicant intends to reside in the Property; (ii) an eviction order should be granted under Ground 4 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016; and (iii) the Private Residential Tenancy terminated on 25 August 2021.

STATEMENT OF REASONS

1. This application called for its hearing by WebEx on 25 August 2021. The Applicant was present and also represented by Mr Shaw, solicitor. The Respondent was represented by Mr Hann, solicitor.
2. Due to the Respondent having not appeared at the Hearing, the Hearing was briefly adjourned to allow Mr Hann to contact his client and ascertain whether she intended to appear and give evidence.
3. When the Hearing resumed, Mr Hann confirmed that the Respondent had found alternative accommodation, but would require eight weeks to remove.

The Tribunal, having considered the statutory period for appeal, the administrative time for the extraction thereafter and the need to serve a charge for removing on a period of notice of two weeks after that, it appeared to the Tribunal that what was really being sought was for the order to be granted of consent but superseded by one week.

4. Following a further brief adjournment to allow Mr Shaw to take instructions on what was proposed, the Applicant agreed that the order may be superseded by one week if the Respondent consented to same.
5. Accordingly, the parties having agreed that the eviction order should be granted on the ground contended by the applicant, the Tribunal found that the Private Residential Tenancy between the parties had terminated on 25 August 2021, found that the applicant intended to reside in the property and therefore that ground 4 of schedule 3 to the 2016 Act applied, granted an eviction order under section 51 of the 2016 Act, and superseded the extract of that order by one week.

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.

Andrew Upton

25/08/21

Legal Member/Chair

Date