



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 of the Private Housing
(Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/22/0993

Re: Property at 95 Glasgow Road, Flat 1/R, Paisley, PA1 3LY (“the Property”)

Parties:

Mrs Irene McDonald, 26 Riccarton Ave, Flat 3-1, Renfrewshire, PA2 6BG (“the Applicant”)

Mr Craig Booth, 95 Glasgow Road, Flat 1/R, Paisley, PA1 3LY (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. By decision dated 1 June 2022, a Convenor of HPC having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion.
3. The Notice of Acceptance was intimated to the Applicant on 8 June 2022. Letters were issued on 11 July 2022 informing both parties that a case management discussion had been assigned for 15 August 2022 at 10am, which was to take place by conference call. In that letter, the parties were also told that they 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 1 August 2022. No written representations were received by the Tribunal.

The case management discussion

4. The Applicant was represented by Mrs McMaster. The case management discussion took place by conference call and proceeded in the absence of the Respondent. The Applicant's representative explained that the Respondent is believed to live alone at the property. The Applicant owns two rental properties and intends to sell both of them. The Applicant has instructed Westgate Estate Agents and has agreed terms with them in relation to the marketing of the property. In the event of vacant possession being obtained, the Applicant intends to redecorate the property and market it for sale immediately thereafter. It was submitted that it was reasonable in the circumstances for an order for eviction to be granted.

Findings in Fact

5. The parties entered into a private residential tenancy which commenced 1 April 2019.
6. The Applicant's representative served Notice to Leave on the Respondent by recorded delivery on 17 September 2021.
7. The Applicant intends to market the let property for sale.

Reason for Decision

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Respondent failed to submit written representations and failed to participate in the case management discussion. The Applicant produced a letter from Westgate Estate Agents, with whom she has agreed terms in respect of the marketing of the property. The Tribunal was satisfied that ground 1 has 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.



15/08/2022

Legal Member/Chair

Date