



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016

Chamber Ref: Reference number: FTS/HPC/EV/22/3213

Order granted on 25 January 2023 in the respondent's absence

Property: 1 Coldswells Cottages, Longhaven, Peterhead, AB42 0NU

Parties:

Barbara Burnett, residing at Five Acres, Longhaven, Peterhead, AB42 0NZ, and Mary Pyper, residing at Carinya, Longhaven Peterhead, AB42 0NY ("the Applicant")

Alistair B Thompson, residing at 1 Coldswells Cottages, Longhaven, Peterhead, AB42 0NU ("the Respondents")

Tribunal Members:

Paul Doyle (Legal Member)
Gerrard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of schedule 3 to the 2016 Act.

Background

1. The Applicant seeks recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant lodged with the Tribunal Form E. The documents produced were a Tenancy Agreement, a Notice to Leave served on 18 February 2022, together with a notice under s.11 of the Homelessness (Scotland) Act 2003. A copy land certificate was lodged with the Tribunal which showed that the applicants are the heritable proprietors of the Property.

Case Management Discussion

2. A case management discussion took place by telephone conference at 2.00pm on 25 January 2023. The Applicants were represented by Ms L Wilson of Peterhead Property Letting Agency. The respondent was neither present nor represented. The time date and place of the case management discussion had been intimated to the respondent by Sheriff Officers on 2 December 2022.

Findings in Fact

3. The Tribunal made the following findings in fact at the Case Management Hearing.

- (i) On 11 October 2019 the applicants and respondent entered into a private residential tenancy agreement.
- (ii) The rent in terms of the Tenancy Agreement was initially £650.00 per month, but increased to £700 per month in January 2022.
- (iii) On 18 February 2022 the applicants served a notice to leave on the respondent. The applicants are heritable proprietors of the property and want to sell the property.
- (iv) The applicant instructed Stewart & Watson, solicitors, to sell the property in 2017. The property was being marketed for sale when the respondent took a lease for the property. Initially the respondent said he would like to buy the property. The property is still marketed for sale, but in the last two years the respondent has created difficulties over viewing. The property is still advertised for sale.
- (v) The respondent remains in the property. The respondent has made no payments of rental since April 2022. There is no suggestion that the respondent is in arrears of rent either wholly or partly because of a delay or failure in the payment of a relevant benefit.
- (vi) The respondent lives alone in the property.
- (vii) the applicants
 - (a) are entitled to sell the let property,
 - (b) intend to sell the property for market value within 3 months of the tenant ceasing to occupy it.
- (viii) It is reasonable to grant an order for repossession of the property.

Reasons for the Decision

4. The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in in terms Ground 1 of part 3 of schedule 3 to the 2016 Act is established.

