



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/23/1324

Re: Property at 1-1 82 Queen Street, Kirkintilloch, Glasgow, G66 1JW (“the Property”)

Parties:

Ms Paula Ann Barrowman, 10 Marmich Drive, Kirkintilloch, Glasgow, G66 2BQ (“the Applicant”)

Miss Chloe Mayhew, 1-1 82 Queen Street, Kirkintilloch, Glasgow, G66 1JW (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for a case management discussion (‘CMD’) at 2pm on 25 August 2023. By teleconference. The Applicant was represented on the call by Ms Miller, of Coda Estates Ltd.. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes to allow for any technical issue the Respondent may have been experiencing, but there remained no contact from her.

Notice of the application and CMD was served on the Respondent by sheriff officers on 31 July 2023. The Tribunal was satisfied that the Respondent was aware of the CMD, but had chosen not to attend; and that it was therefore fair to proceed in her absence.

- Findings in Fact

The relevant facts of the case were not opposed, as follows:

1. The Respondent lets the Property from the Applicant in terms of a private residential tenancy, with a start date of 8 November 2022.
2. On 5 January 2023, the Applicant sent a notice to leave to the Respondent by email, indicating that she intended to rely on ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application for an eviction order to follow.
3. The Applicant is the sole owner of the Property.
4. The Applicant intends to sell the Property as soon as she is able to regain possession of it.
5. The Applicant needs to sell the Property in order to gain access to the equity in it to afford to continue to live in the property she currently occupies.
6. It is unclear whether or not the Respondent continues to occupy the Property; any attempt to make contact with her on the part of the Applicant, since service of the notice to leave, has been unsuccessful.

- Reasons for Decision

7. Ground 1 has been established. The Applicant is entitled to sell the Property and intends to do so, at market value, within 3 months of the tenant ceasing to occupy it. It is reasonable for an order for eviction to be granted on that

account. The Applicant requires the capital tied up in the Property to allow her to continue to live in her current home. The Respondent may have left the Property already; but the Applicant requires the certainty of an eviction order to establish her right to recover possession.

- Decision

Eviction order 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.

Nairn Young

25 August 2023

Legal Member/Chair

Date