



**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: FTS/HPC/EV/19/3737

**Re: Property at 35 Sunnyside Street, Camelon, Falkirk, FK1 4BJ (“the
Property”)**

Parties:

**Mr Mark Anderson, 7 Torry Bay Court, Newmills, Fife, KY12 8TH (“the
Applicant”)**

**Miss Aisha Small, 35 Sunnyside Street, Camelon, Falkirk, FK1 4BJ (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member)

Decision

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

BACKGROUND

1. By lease dated 7 & 8 June 2019 the Applicant let the Property to the Respondent;
2. The start date of the tenancy was 17 June 2019;
3. On 4 October 2019 the Applicant served a Notice to leave on the Respondent. He did this personally and the Respondent received it personally. The Notice to leave was dated 2 October 2019. It indicated that an application for eviction would not be made earlier than 5 November 2019,
4. The ground of eviction was that the Applicant intended selling the Property. He produced sales particulars showing that, despite the tenancy, it was being actively marketed for sale,
5. The Applicant presented an application to the Tribunal on 22 November 2019,

THE CASE MANAGEMENT DISCUSSION.

6. A Case Management Discussion was assigned for 13 January 2020 at 10am. Both parties attended. Neither was represented although the Respondent had a supporter, Mr B Arthur. The role of a supporter, as defined in Rule 11 of The First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 was explained and followed,
7. The Respondent accepted that she had personally received the Notice to Leave on 4 October 2019, pointing out that the Applicant attended with her very early in the morning to deliver it. She accepted that the Applicant intended selling the Property. She had already engaged with the local authority and had now been allocated a tenancy by it and she intended moving out of the Property and in to her new tenancy in the near future, probably within a week,
8. In the circumstances, the Respondent did not object to an order for eviction being granted, particularly when it was explained that it could not be enforced for at least 30 days. She was quite clear that she will have vacated the Property by then,

FINDINGS IN FACT

9. The Tribunal found the following facts to be admitted or proved:-
 - i. By lease dated 7 & 8 June 2019 the Applicant let the Property to the Respondent;
 - ii. The start date of the tenancy was 17 June 2019;
 - iii. On 4 October 2019 the Applicant served a Notice to leave on the Respondent. He did this personally and the Respondent received it personally. The Notice to leave was dated 2 October 2019. It indicated that an application for eviction would not be made earlier than 5 November 2019,
 - iv. As at 4 October 2019 the Respondent had been entitled to occupy the Property for not more than 4 months,
 - v. The ground of eviction was that the Applicant intended selling the Property. Despite the tenancy, the Property was being actively marketed for sale,
 - vi. The Applicant presented an application to the Tribunal on 22 November 2019,

DECISION

The Tribunal grants order to Officers of Court to eject the Respondent and family, servants, dependants, employees and others together with their goods, gear and whole belongings forth and from the Property at 35 Sunnyside Street, Camelon, Falkirk, FK1 4BJ and to make the same void and redd that the Applicant or others in their name may enter thereon and peaceably possess and enjoy the same.

The Order is not to be executed prior to 12 noon on 19 February 2020

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.

Virgil Crawford

13 January 2020

Legal Member/Chair

Date