



**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/23/1410**

**Re: Property at 27 Clyde Terrace, Ardrossan, KA22 7EG (“the Property”)**

**Parties:**

**Mr Kevin Morrison, 21 Strathmore Avenue, Irvine, KA11 2ED (“the Applicant”)**

**Miss Sarah Paterson, 27 Clyde Terrace, Ardrossan, KA22 7EG (“the Respondent”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**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 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the property.
2. By decision dated 28 June 2023, a Convenor of the Housing and Property Chamber having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. The Notice of Acceptance was intimated to the Applicant’s representative on 28 June 2023. The Tribunal intimated the application to the parties by letter of 4 July 2023 and advised them of the date, time and conference call details of today’s case management discussion (“CMD”). In that letter, the parties were also told that they were 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 25 July 2023. No written representations were received.

### **The case management discussion – 10 August 2023**

4. The CMD took place by conference call. The Applicant was represented by Ms Deborah Styles and the Respondent by Mr Alister Meek of Community Housing Advocacy Project. The Respondent's representative advised that the application was not opposed. The Respondent has been offered alternative accommodation by the local authority and the expected date of entry is 23 August 2023. The Tribunal observed that the application is made on the basis of grounds 1 and 1A of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") but that no documentary evidence has been lodged in support of ground 1A. The Applicant's representative advised that an order for eviction is sought on the basis of ground 1.

### **Findings in Fact**

5. The parties entered into a private residential tenancy which commenced 4 March 2022.
6. A representative of the Applicant served the Notice to Leave on the Respondent by recorded delivery post on 2 February 2023.
7. The Applicant intends to sell the let property.

### **Reason for Decision**

8. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Respondent was not opposed to the order being granted. The application contains details of the reason why the Applicant wishes to sell the property and there is documentary evidence which demonstrates his intention to sell. The Tribunal was satisfied that ground 1 of the 2016 Act was established and that it was reasonable to grant the order evicting the Respondent from the property.

### **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.**

# Nicola Irvine

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Legal Member/Chair

10 August 2023

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Date