

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/19/0694**

**Re: Property at Flat C 156 Main Street, Bridgeton, Glasgow, G40 1LR ("the Property")**

**Parties:**

**Mr Fazil Mohammed, 361-367 Kelvindale Road, Glasgow, G12 0JP ("the Applicant")**

**Mr Roy Bennett, Flat C 156 Main Street, Bridgeton, Glasgow, G40 1LR ("the Respondent")**

**Tribunal Members:**

**Patricia Pryce (Legal Member)**

**Decision in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant the order for eviction.**

- **Background**

The Applicant sought an order for eviction in respect of the property on Grounds 11 and 12 of Schedule 3 of the 2016 Act.

- **The Case Management Discussion (CMD)**

The Applicant did not attend but was represented by Ms Lauren Whittle and Mrs Ashley Duncan of Speirs Gumley. The Respondent did not attend nor was he represented.

The Applicant's representatives submitted that the CMD should continue in the absence of the Respondent in terms of Rule 29. The Respondent had emailed them on the morning of the CMD advising that he was aware of the

CMD but did not wish to attend it. The Tribunal noted that sheriff officers had served the application on the Respondent on 11 April 2019. The Respondent was aware of the date and time of the CMD. The Tribunal determined that it was in the interests of fairness and justice that the CMD proceed in the absence of the Respondent.

- Findings in Fact

1. The parties entered into a private residential tenancy agreement in respect of the property with a date of entry of 1 September 2018.
2. The rent per calendar month in terms of the tenancy agreement was £525.
3. The Respondent had been consecutively in rent arrears since October 2018.
4. The Respondent last paid £100 towards the rent in December 2018.
5. The Respondent has not paid any rent since December 2018.
6. The rent arrears as at the date of the CMD amounted to £3205.65.
7. The Applicant's representatives served a notice to leave by way of email on the Respondent on 31 January 2019.
8. The Applicant's representatives inspected the property on 1 March 2019 and noted that since the start of the tenancy, the condition of the walls in the property has deteriorated with walls missing plaster and skirting boards; there was urine on the floor of the hall of the property when the Applicant's representatives inspected it on 1 March 2019; the property smelled strongly of dog odour.

- Reasons for Decision

The Respondent has been consecutively in arrears of rent for more than three months. As at the date of the CMD, there was at least one month's rent due and owing. In addition, there was ample evidence before the Tribunal to demonstrate that the condition of the property had deteriorated during the Respondent's tenancy, some of which was due to the presence of a dog within the tenancy property. Grounds 11 and 12 were therefore established.

- Decision

The Tribunal determined to grant the order of eviction on the basis of Grounds 11 and 12 of Schedule 3 of the 2016. The Respondent had breached the tenancy agreement by keeping a dog at the property without permission causing the condition of the property to deteriorate. The Respondent had been in arrears of rent for more than three months and owed £3,205.65 by way of rent arrears as at the date of the CMD.

## **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.

Patricia Anne Pryce

Patricia Anne Pryce



1 May 2019

Legal Member/Chair

Date