



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 18(1) of the Housing
(Scotland) Act 1988 (Act)**

Chamber Ref: FTS/HPC/EV/19/2171

**Re: Property at Flat 2/6, 6 Walls Street, Merchant City, Glasgow, G1 1PA (“the
Property”)**

Parties:

**Mr David Henderson, 97A Derryhale Road, Portadown, Co Armagh (“the
Applicant”)**

**Mr Mohammed Nabeel Uddin, Flat 2/6, 6 Walls Street, Merchant City, Glasgow,
G1 1PA (“the Respondent”)**

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the order for eviction and recovery of possession
be granted.**

Background

This was an application for eviction and recovery of possession under section 18(1) of the Act and Rule 65 of the Tribunal Procedure Rules. The Grounds for eviction were stated to be grounds 8, 11 and 12 of Schedule 5 to the Act.

The Tribunal had regard to the following documents:

1. Application received 11 July 2019;
2. Assured Tenancy (**AT**) dated 2 March 2016;
3. Notice to Quit dated 4 April 2019;
4. Certificate of Service of Notice to Quit by Sheriff Officers dated 9 April 2019;
5. AT6 dated 13 June 2019;
6. Certificate of Service by Sheriff Officers of AT6 dated 14 June 2019;

7. Section 11 Notice;
8. Proof of service of section 11 Notice on Local Authority by email of 10 July 2019.

Case Management Discussion (CMD)

The case called for a CMD on 9 September 2019. The Applicant was not present but was represented by Ms Morrison, Solicitor. The Respondent did not appear and was not represented.

The Tribunal was satisfied that the Respondent had been served with notification of the CMD by Sheriff Officers on 9 August 2019. The Respondent was aware that the Tribunal could proceed in his absence and, if satisfied that it had sufficient information to do so and the procedure was fair, make a decision.

The Tribunal considered the documentation and made the following findings in fact:

1. The Parties entered in to an AT commencing 2 March 2016;
2. The monthly rent was £650;
3. As at the date of service of the AT6 the Respondent was in arrears of rent in the sum of £3,740.00;
4. As at the date of the CMD the Respondent was in arrears of rent in the sum of £4,340.00;
5. The Notice to Quit had been validly served and terminated the AT as at 1 July 2019;
6. The AT6 had been validly served on 14 June 2019;
7. The rental arrears were not due to any delay or failure to make payment of a relevant benefit.

The Tribunal considered that it had sufficient information upon which to determine the matter at this stage and that the procedure had been fair. The Tribunal considered the terms of Ground 8 and found that the requirements of Ground 8 had been established. There was no need to consider the terms of Grounds 11 and 12.

Ground 8 having been established the Tribunal had no discretion other than to grant the order for eviction and recovery of possession as sought.

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.

Alan Strain

Legal Member/Chair

Date

9 September 2019