

Housing and Property Chamber
First-tier Tribunal for Scotland



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/18/3322

Re: Property at 93 Alness Crescent, Mossbank, Glasgow, G52 1PH ("the Property")

Parties:

Mr Sultan Mehmood, 21 Crosshill Avenue, Glasgow, G42 8BZ ("the Applicant")

Ms Karen Louise Mitchell, 93 Alness Crescent, Mossbank, Glasgow, G52 1PH ("the Respondent")

Tribunal Members:

Nairn Young (Legal Member)

Janine Green (Ordinary Member)

Decision

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

- **Background**

This is an application for an eviction order in relation to the Respondent's private residential tenancy at the Property. It called for a case management discussion on 1 April 2019, at which point a hearing was fixed for 10am on 10 May 2019. At the hearing, the Applicant was present in person. The Respondent was not present in person, but was represented by Mr Ian Kirkland.

- **Findings in Fact**

1. The Respondent rents the Property from the Applicant in terms of a private residential tenancy commencing 17 December 2017. In terms of that tenancy, rent of £700 is due on the 17th of each month.

2. On 9 November 2018, the Applicant posted a notice to leave in the statutory form to the tenant by recorded delivery. He also delivered a copy to the Applicant by hand on that date. The notice specified the following grounds for eviction:

“You have breached a term(s) of you tenancy agreement

You are in rent arrears over three consecutive months

You have engaged in relevant antisocial behaviour.”

The notice referred to a paper apart to give further details of the basis for these grounds being asserted. The paper apart was attached to the notices and stated, among other things:

“The tenant has not paid any rent since 26 July 2018 and the arrears will amount to £1880 on 30 November 2018.”

The Respondent sent an e-mail to the Applicant on 11 November 2018 stating, among other things:

“[T]he documents you delivered is all lies.”

The notice stated that no application would be made to the Tribunal for an eviction order before 11 December 2018. This application was made on 11 December 2018. Notice of the Applicant's intention to make the application was given to Glasgow City Council in terms of s.11(3) of the Homelessness etc. (Scotland) Act 2003.

3. At the date of the hearing, the Respondent owed £5,660 in rent. Three months previously, the tenant had been in arrears to the sum of £3,000. The Respondent made no payment towards rent during that period.
4. The Respondent is not entitled to housing benefit.
- Reasons for Decision
5. A valid notice to leave was served on the Respondent. Ground 12(2) of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 applies. An order for eviction must therefore be issued.
- Decision

Order for eviction.

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

Legal Member/Chair

10 MAY 2019

Date