



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/20/0661

Re: Property at 41 Braefield Drive, Glasgow, G46 7DL (“the Property”)

Parties:

Mr Mohammad Sarwar, 125 Shawmoss Road, Glasgow, G41 4AL (“the Applicant”)

Mr Khuram Saddique, Mrs Farah Saddique, 41 Braefield Drive, Glasgow, G46 7DL; 41 Braefield Drive, Glasgow, G46 7DL (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted under s51 of the Private Housing (Tenancies) (Scotland) Act 2016 entitling the Applicant to repossess the Property

Introduction

This is an application under Rule 109 and s51 of the Private Residential (Tenancies) (Act) 2016 for an eviction order.

A Case Management Discussion (CMD) took place by teleconference on 5 July 2020 at 2pm. The Applicant was represented by Mahmood Ullah and Tina Hughes , both of Letsbwise Letting Agency.

Service of the application and notification of the CMD was made upon the Respondents by Sheriff Officer delivery on 24 June 2020. The Tribunal was satisfied that the Respondents had received notice of the application and were aware of the CMD. They had not lodged any written representations. They did not participate in the CMD. There was no barrier to them doing so.

Findings and Reasons

The Property is 41 Braehead Drive, Glasgow, G46 7DL.

The Respondents in this case are spouses and are the joint tenants under the relevant lease.

The parties entered into a Private Residential Tenancy which commenced on 3 May 2018. The rent was stipulated at £995 per month. Payment of rent has never been regular. Rent arrears to the extent of £1,265 existed by November 2019. No rent has been paid since this time at all.

Notice to Leave dated 14 November 2019 was lawfully served upon the Respondents. The basis of the Notice was ongoing rent arrears at that time for more than 3 consecutive months – Ground 12.

The application for eviction is accompanied by a rent statement which evidences the rent arrears.

The Tribunal found the Applicant's agents' submissions to be credible and reliable and consistent with the documentary evidence. The Tribunal attached weight to the totality of this evidence.

The Applicant is entitled to recover possession of the Property. There is more than one month's rent lawfully due under the tenancy. Rent arrears have existed for a continuous period prior to the hearing for more than 3 consecutive months. The arrears are not wholly or partly due to a delay or failure in the payment of a relevant benefit. The ground relied on is a mandatory one under Schedule 3 Part 3 Ground 12 of the Act.

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.



Legal Member/Chair

5 August 2020

Date