



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 “The Act”

Chamber Ref: FTS/HPC/EV/23/1867

Re: Property at 41 Caledonian Road, Wishaw, ML2 8AP (“the Property”)

Parties:

Mrs Tanveer Parnez, 7 Milrig Road, Glasgow, G73 2NQ (“the Applicant”)

Miss Fiona Sheridan, 41 Caledonian Road, Wishaw, ML2 8AP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Leslie Forrest (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order

Background

[2] The Applicant seeks an Eviction Order under ground 5 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement, the notice to leave relied on with proof of service, the notice under section 11 of the Homelessness (etc) (Scotland) Act 2003 and a statement from the family member said to wish to move into the Property.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 6 November 2023. The Applicant was represented by Mr Raz Parnez, the Applicant’s son. There was no appearance by or on behalf of the Respondent. As the

Application and information about how to join the CMD had been competently served on the Respondent, the Tribunal proceeded in the absence of the Respondent. The Tribunal carefully questioned Mr Parnez on the substance of the Application and on the reasonableness or otherwise of the order sought. Having heard representations and having considered the whole circumstances of the case, the Tribunal made the following findings in fact.

Findings in Fact

- I. *The parties entered into a tenancy agreement whereby the Applicant let the Property to the Respondent on a Private Residential Tenancy Agreement that commenced in July 2022;*
- II. *In March 2023, the Applicant competently served a Notice to Leave on the Respondent under ground 5 of the tenancy;*
- III. *The Applicant wants her now 19 year old grandson, Mr Mohammed Shahzman Parnez to move into the Property as he has had a fall-out with his parents and has no other accommodation available to him presently;*
- IV. *The Respondent is thought to reside in the Property with a university age daughter;*
- V. *The Respondent has failed to engage with the process;*
- VI. *The ground relied on is established and on balance, it is reasonable to grant the Eviction Order.*

Note:-

[4] The short lifespan of the tenancy and the unusual circumstances of the Applicant's grandson, gave the Tribunal pause for thought. But the Tribunal were satisfied, purely based on the information before it, that it was reasonable to grant an Eviction Order.

Decision

[5] The Tribunal granted the Application and made an Eviction Order.

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.

Andrew McLaughlin

Legal Member/Chair

6 November 2023

Date