



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/23/3745

Re: Property at 133 Craigton Road, Glasgow, G51 3RH (“the Property”)

Parties:

Dr Saadat Khan, 3 Northcroft Rise, Bradford, BD8 0BW (“the Applicant”)

Ms Erin Booth, 133 Craigton Road, Glasgow, G51 3RH (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

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

- Background

This is an application for an order for possession of the Property, which is let by the Applicant to the Respondent in terms of an assured tenancy. It called for a case management discussion (‘CMD’) at 2pm on 15 April 2024, by teleconference. The Applicant was represented on the call by Mr Robert Nixon of Ritehome Ltd.. The Respondent was not on the call and was not represented. The commencement of the CMD was delayed by 10 minutes, to allow for any technical difficulty she may have been experiencing, but there remained no contact from her.

A copy of the application with intimation of the CMD was served on the Respondent by sheriff officers on 8 March 2024. The Tribunal was therefore satisfied that she

was aware of the application and had chosen not to defend it; and that it was fair to proceed in her absence.

- Findings in Fact

The Tribunal relied on the following undisputed facts in making its decision:

1. The Property is owned jointly by Dr Saadat Khan and Mr Seerat Khan.
2. The Applicant lets the Property to the Respondent in terms of a short assured tenancy with an initial term running from 1 April 2017 to 30 September 2017.
3. The tenancy agreement provides that either party may terminate it by giving two months notice to the other; and, otherwise, it will continue to run on a month-to-month basis following the initial term.
4. On 7 July 2023, the Applicant sent a notice to quit terminating the tenancy on 30 September 2023, along with a notice in terms of s.33(d) stating that she required possession of the Property at that date.
5. The Respondent has not left the Property and continues to reside there in terms of a statutory assured tenancy.
6. The Respondent resides in the Property with her three children.
7. She has been told by the Applicant's representative that the Property is not large enough to accommodate her family, but has stated that she cannot get a larger property without an order for her eviction.

- Reasons for Decision

8. A preliminary matter in this case concerned the correct identity of the landlord under the tenancy agreement in question. The application was raised by

Seerat Khan. The tenancy agreement sets out the landlord as 'Saadat Khan'; but bears to have been signed on behalf of 'Dr S. and Mr S. Khan.' Given the information from the title deeds set out at 1. above, the Tribunal concluded that the landlord under the tenancy agreement is Dr Saadat Khan, there having been a typographical error in recording this. On that basis, it determined that the correct applicant should be Dr Saadat Khan and it ordered that his name be substituted as such in terms of rule 32(1)(a). This was of no significance in terms of the notices served in the case.

9. In terms of the substance of the application, the requirements of s.33 of the Housing (Scotland) Act 1988 have been met. In particular, it is reasonable to grant the order. The Tribunal was not presented with any evidence from the Respondent that would suggest it was not reasonable to grant the order. In addition, the Property would appear to be unsuitable for her, but she is in a position where she cannot be given alternative accommodation without being formally evicted.

- Decision

Order for possession granted.

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.

N Young

15 April 2024

Legal Member/Chair

Date