



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 19 and 33 of the Housing (Scotland) Act 1988 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/24/0098 and FTS/HPC/EV/0097**

**Re: Property at 6 Stirling Street, Coatbridge, North Lanarkshire, ML5 5QP (“the Property”)**

**Parties:**

**Mr Gholamali Ghahfarokhi, 13 Tinto Grove, Glasgow, G69 7TS (“the Applicant”)**

**Ms Nicola Leonard, 6 Stirling Street, Coatbridge, North Lanarkshire, ML5 5QP (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted both Applications and made an Eviction Order in respect of each Application.**

**Background**

[2] The Applicant seeks an Eviction Order under Section 19 of the Act on the basis that grounds 8A, 11 and 12 of Schedule 5 of the Act are established and the relevant notice of intended proceedings in Form AT6 has been served on the Respondent. The Applicant also seeks an Eviction Order under Section 33 of the Act. The relevant notice under Section 33 and a Notice to Quit have been served on the Respondent. The Applications were accompanied by: a copy of the relevant tenancy agreement; the relevant Form AT6 and evidence of service; the relevant notice under Section 11 of the *Homelessness (etc) (Scotland) Act 2003*; evidence of compliance with *The Rent Arrears pre-Action Requirements*

(Coronavirus) (Scotland) Regulations 2020; rent statements; the notice served under Section 33 of the Act; the relevant notice to quit and proof of service of those documents.

### **The Case Management Discussion**

[3] The Applications then both called for a Case Management Discussion (“CMD”) by conference call at 2pm on 22 May 2024. The Applicant was represented by Ms White of Jackson Boyd LLP. There was no appearance by or on behalf of the Respondent. The Applications and information about how to join the conference call had been competently served on the Respondent by Sheriff Officers. The Tribunal therefore decided to proceed in the absence of the Respondent.

[4] The Tribunal heard from Ms White. Having heard from Ms White, 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 Short-Assured Tenancy Agreement within the meaning of the Act;*
- II. *The Respondents fell into rent arrears;*
- III. *The Applicant served a notice under Section 19 of the Act on the basis that grounds 8A, 11 and 12 of Schedule 5 of the Act were established;*
- IV. *The Applicant also competently served a notice under Section 33 of the Act and a notice to quit which competently ended the contractual tenancy agreement between the parties;*
- V. *At the time of the service of the Form AT6, the sum of £3,500.00 was lawfully due as rent by the Respondent to the Applicant;*
- VI. *The Applicant has complied with The Rent Arrears Pre-Action Requirements (Coronavirus) (Scotland) Regulations 2020 and Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- VII. *Rent arrears continue to accrue and the sum of £5,114.98 is lawfully due as rent arrears by the Respondent to the Applicant;*
- VIII. *The Respondent has not engaged with the Tribunal process. She has not cooperated with the landlord or complied with her obligations to allow the Applicant to inspect the Property or comply with necessary gas safety checks.*

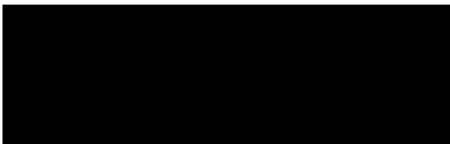
*There has been a complete failure on the part of the Respondent to engage with the Applicant or explain why she has stopped paying rent and cooperating with routine tenancy management issues.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal determined that grounds 8A,11 and 12 of Schedule 5 of the Act were established. The Tribunal also considered that the tenancy had been ended under Section 33 of the Act. It was also reasonable to grant the Eviction Order. The Tribunal therefore granted both Applications.

### **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.**



A.McLaughlin  
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Legal  
Member/Chair

22 May 2024  
Date