

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/23/4118**

**Re: Property at 83 Greenhead Road, Wishaw, ML2 8JH (“the Property”)**

**Parties:**

**Mr Nadeem Iqbal, 30 Galloway Avenue, Wishaw, ML2 8NE (“the Applicant”)**

**Miss Hayley Smith, 83 Greenhead Road, Wishaw, ML2 8JH (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondent).**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Order for Eviction be granted against the Respondent.**

## **INTRODUCTION**

1. This is an application under Rule 109 and Section 51 of the Private Housing (Scotland) Act 2016 for an Eviction Order under Ground 12 of Schedule 3.
2. A two-member case management discussion took place at 10.00 am on 24 May 2024 by teleconference. The Applicant’s representative, Miss Turner joined the hearing. The Respondent failed to appear without excuse and has failed to engage with the application. We decided to continue with the hearing in her absence after satisfying ourselves that the papers had been properly served on the Respondent, that she was notified of today’s CMD and that it was fair and just to do so having regard to the overriding objective.

## **DISCUSSION**

3. The Applicant is the Landlord and the Respondent is the Tenant. The Tenant entered into a Tenancy Agreement to pay rent each calendar month in advance of £600 which increased to £618 over the course of the Tenancy.

4. The Applicant has accrued rent arrears £5,139.69. The ground for an Eviction Order is Ground 12 which provides the Tribunal with discretion to grant an Order if we are satisfied that rent arrears have accrued of more than three months and it is reasonable to grant the Order.
5. Miss Turner informed us that the Respondent is the sole Tenant and adult living in the property. She has 2 children aged 4 and 3 years old. She works as a carer for North Lanarkshire Council. She has made agreements to meet the rent liability and arrears for some time and breaks the agreements. She recently has failed to make any attempt to pay the rent liability at all and arrears now stand at £5,139.69. She claimed recently in email correspondence that she had vacated the property but failed to return the keys. A reminder email was sent to her and she responded by saying that she would hand the keys in on 22 May 2024 and failed to do so. This behaviour is representative of the Respondent. Miss Turner said that the Respondent appeared to have left the property however as she still has keys to access the property and has failed to return the keys despite repeated requests and assurances, and on account of the substantial arrears accrued over a long period of time, an order for eviction is reasonable. The arrears represent around 8 months' rent.
6. As stated before, the Respondent has failed to engage with the application in anyway. For that reason, we have no information before us to indicate that there are any particular such circumstances to find that the granting of the order would not be reasonable.
7. Accordingly, we are satisfied that the making of an Eviction Order is reasonable in all of the circumstances, having regard to all the information before us which we have considered individually and together.

## **CONCLUSION**

8. An order for Eviction is 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.**

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**Date 24 May 2024**

**Legal Member/Chair**