



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/23/3697

Re: Property at 6 Shuna Place, Glasgow, G77 6TN (“the Property”)

Parties:

Ms Anisa Sadiq, 30 Newark Drive, Glasgow, G41 4PZ (“the Applicant”)

Mrs Nazareen Ali, 6 Shuna Place, Glasgow, G77 6TN (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and David Wilson (Ordinary 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 against the Respondent

Introduction

1. This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order.
2. Service of the application and intimation of the Case Management Discussion (CMD) was given to the respondent by Sheriff Officers on 5 January 2024.
3. A CMD took place by teleconference on 14 February 2024 at 10.00 am. Reference is made to the CMD Note issued thereafter.
4. In advance of the hearing on 26 June 2024 the tribunal was provided with further documentary evidence being an affidavit of the applicant and medical evidence. A statement of the Respondent advising that she was not opposed to the application was also produced.

5. The applicant was represented by Joe McHugh of Austin Lafferty Solicitors. The parties did not participate in the hearing. The applicant chose not to, relying upon her written evidence and knowing the application was now unopposed. The Respondent's husband had telephoned the tribunal administration to advise that she would not be attending.

Findings and Reasons

1. The let property is 6 Shuna Place, Glasgow G77 6TN. The applicant is Ms Anisa Sadiq who is the heritable proprietor of the property and the registered landlord. The respondent is Mrs Nazareen Ali who is the tenant.
2. The parties entered into a private residential tenancy in respect of the property which commenced on 20 January 2020. The rent was stipulated at £1,300 per month.
3. The applicant relies upon ground 4 contained within part 1, schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to live in the let property.
4. The relevant notice period under ground 4 at the time that the notice to leave was served was one of 84 days.
5. The notice to leave relied upon in this case is dated 1 July 2023 and stipulates that the earliest an application be submitted to the tribunal would be 24 September 2023. It is evidenced that the applicant served the notice to leave personally upon the respondent. The respondent has countersigned a letter dated 22 November 2023 confirming this. The notice was also sent by email to the respondent at her request on both 8 and 26 July 2023. The notice to leave, served upon the respondent and relied upon in this application is therefore valid. The required notice was given.
6. The applicant has owned the property since 2015. She lived in the property for a period of time previously. Her children are aged 13, 12, 11 and 7 years. The children attend schools in England but the applicant intends for them to relocate to Glasgow. They are currently living with their father in Bolton. The applicant is currently living her mother in Glasgow on a temporary basis but there is insufficient room in the property for her and her children to live in.
8. The Applicant's mother cannot reasonably accommodate the applicant on an ongoing basis nor her children. She has produced a letter to this effect which the tribunal attached weight to.
9. The applicant's housing circumstances are causing her much distress. She is currently pregnant. Recovery of the tenancy would alleviate her stress. A GP report dated 15 February 2024 confirms this which the tribunal attached weight to.
10. The tribunal was satisfied on the basis of the unchallenged credible and reliable evidence produced that it is the applicant's genuine intention to live in the let property as her principal home for at least 3 months. Ground 4 is therefore established. The ground is not disputed by the Respondent.

11. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The tribunal weighed up the respective circumstances and needs of the parties.
12. The respondent has signed a statement dated 31 May 2024 confirming that she does not oppose the application for eviction. The tribunal attached significant weight to this factor. She lives in the property, which has five bedrooms, with her husband and four children. They are aged 20, 18, 14 and 12. The elder two children are in employment and the younger two children are at High School. The respondent is employed as a catering assistant and her husband is a taxi driver. The respondent and her husband have already registered with the local authority for alternate housing.
13. A Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent and her family will be provided with alternate accommodation in the event of an eviction order being made against her. The local authority has duties in this regard. The nature of the accommodation and costs involved are of course unknown at this time.
14. Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The tribunal found it proportionate to increase the period prior to any enforcement of the eviction order beyond the standard 30 days. A period of 8 weeks is allowed to reasonably provide the respondent and her family with the fair opportunity to make alternative housing arrangements.

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.

Richard Mill

26 June 2024

Legal Member/Chair

Date