



**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 2024**

**Chamber Ref: FTS/HPC/EV/24/0701**

**Re: Property at 152 Muirdrum Avenue, Glasgow, G52 3AP ("the Property")**

**Parties:**

**Mrs Caroline Shephard, C/O Houstons, Merlin House, 20 Mossland Road, Glasgow, G52 4XZ ("the Applicant")**

**Mr Craig Wilson, 152 Muirdrum Avenue, Glasgow, G52 3AP ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Mike Scott (Ordinary Member)**

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

At the Case Management Discussion ("CMD"), which took place by telephone conference on 19 August 2024, the Applicant was represented by Ms Laura Houston of Houstons, Glasgow. The Respondent was neither present nor represented and had lodged no written representations.

A previous CMD had been scheduled to take place on 1 August 2024 at 11.30am. That CMD was subsequently rescheduled to 10.00am. However, due to an administrative error neither party was advised of the change of time albeit the date remained the same. Neither party attended the CMD at 10.00am. However, Ms Houston attempted to dial into the CMD at 11.30am as originally scheduled and intimated to her. The Respondent did not attend at all. Due to the administrative error, the CMD could not be heard on 1 August 2024 at 11.30am and was therefore adjourned to 19 August 2024.

The Tribunal attempted to intimate the CMD scheduled for 19 August 2024 on the Respondent. That correspondence was returned marked "ADRESSE GONE AWAY".

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the original CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

**Background**

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 22 March 2019.
- ii. The rent payable in terms of the PRT is £520 per calendar month.
- iii. On 14 November 2023, the Applicant served on the Respondent by email a Notice to Leave dated 14 November 2023 requiring the Respondent remove from the Property by 9 February 2024 on the basis of Ground 5 of the 2016 Act, namely that the Property is needed for a family member of the Applicant and her children, one of whom has complex needs.
- iv. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

**The CMD**

At the CMD Ms Houston for the Applicant made the following representations:-

- i. Notwithstanding that the Respondent was allocated and given keys to rented accommodation by Trust Housing Association on 18 April 2024, he continues to live in the Property.
- ii. The Respondent is in substantial rent arrears.
- iii. The Tribunal noted the terms of an email from the Applicant’s sister, Catherine Weir, to Ms Houston in which Ms Weir refers to having been served with a notice to quit by her landlord due to the landlord selling the property tenanted. The Tribunal noted Ms Weir’s family circumstances and, in particular, the health conditions of her 26 year old son and that she has two other children aged 15 and 18 years, both in education. Ms Houston stated that she also manages the property occupied by Ms Weir and that their move to the Property will be permanent.
- iv. The Applicant seek an eviction order.

**Findings in Fact**

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 22 March 2019.
- iii. The rent payable in terms of the PRT is £520 per calendar month.
- iv. On 14 November 2023, the Applicant served on the Respondent by email a Notice to Leave dated 14 November 2023 requiring the Respondent remove from the Property by 9 February 2024 on the basis of Ground 5 of the 2016 Act, namely that the Property is needed for a family member of the Applicant and her children, one of whom has complex needs.
- v. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vi. Notwithstanding that the Respondent was allocated and given keys to rented accommodation by Trust Housing Association on 18 April 2024, he continues to live in the Property.
- vii. The Property is required by the Applicant for her sister, Ms Catherine Weir, and her three children.
- viii. Ms Weir is a qualifying relative of the Applicant in terms of Ground 5, paragraph 5(b) of the 2016 Act and is therefore a family member of the Applicant in terms of of paragraph 4.

- ix. Ms Weir intends to occupy the Property (with her children) as her only or principal home on a permanent basis.
- x. Ms Weir's 26 year old son has severe autism. She has two other children aged 15 and 18 years, both in education.
- xi. It is reasonable, in the circumstances, that an eviction order be granted in favour of the Applicant.

### **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms Houston at the CMD was not challenged and was accepted by the Tribunal.

The Applicant's sister is a qualifying relative of the Applicant. The Applicant's sister intends to occupy the Property as her permanent home, along with her three children the eldest of whom has severe autism.

The Tribunal considered whether or not it would be reasonable to grant an eviction order and determined that it is reasonable to grant an eviction order under Ground 5 of Schedule 3 of the 2016 Act.

The Tribunal had particular regard to the fact that the Respondent already has alternative accommodation from Trust Housing Association and was given keys thereto on 18 April 2024.

### **Decision**

The Tribunal granted an eviction order in favour of the Applicant.

### **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.**

# G Buchanan

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**Legal Member/Chair**

**19 August 2024**  
**Date**