



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/24/0974

Re: Property at 122 Croftend Ave, Glasgow, G44 5PF (“the Property”)

Parties:

Mr Michael Bain, 6 Smith Close, Bishopbriggs, Glasgow, G64 1FL (“the Applicant”)

Ms Sonia Orobok, 122 Croftend Ave, Glasgow, G44 5PF (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to make an eviction order

Background

- 1 By application to the Tribunal the Applicant sought an eviction order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017. In support of the application the Applicant provided a copy of the tenancy agreement between the parties, notice to leave, section 11 notice and proof of delivery. The Applicant also provided evidence of the required refurbishment of the property.
- 2 By Notice of Acceptance of Application a Legal Member of the Tribunal with delegated powers from the Chamber President intimated that there were no grounds upon which to reject the application. The application was therefore referred to a Case Management Discussion (“CMD”). Notification of the CMD was given to parties in accordance with Rule 17(2) of the Rules.

The Case Management Discussion

- 3 The CMD took place on 14 November 2024. Both the Applicant and Respondent were in attendance.
- 4 The Applicant confirmed that he was seeking an eviction order as he required to refurbish the property. Damp had been found throughout the whole property and it would need to be entirely rewired. The Applicant had attempted to address the damp without repossession but his efforts in that regard had been unsuccessful.
- 5 The Respondent agreed that the property required refurbishment. The Applicant had tried to carry out repairs to address the damp, and the Respondent herself had tried cleaning but nothing had worked. The Respondent confirmed that she had spoken with the local authority. She had been advised that upon receipt of an eviction order from the Tribunal she would be entitled to rehousing. She did not dispute the application on that basis. She wanted to secure council accommodation. The Respondent advised that the Applicant had been a good landlord and confirmed that she resided in the property with her children aged 20, 15, 11 and 4. Her children's father did not reside with them as the property was too small.

Reasons for Decision

- 6 The Tribunal took into account the fact that matters were agreed between the parties and the Respondent did not object to the making of an eviction order. The Tribunal therefore determined to make an eviction order.
- 7 The decision of the Tribunal was unanimous.

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.

4 December 2024

Legal Member/Chair

Date