



**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/24/3272**

**Re: Property at Flat 3, 129 Chapel Street, Airdrie, ML6 6LH (“the Property”)**

**Parties:**

**Muhammad Abdullah, 1/1 22 Terregles Avenue, Glasgow, G41 4LX (“the Applicant”)**

**Viman Lavinia- Viorico, Iojan Sorin, Flat 3, 129 Chapel Street, Airdrie, ML6 6LH (“the Respondents”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Elizabeth Dickson (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 should be granted against the Respondents.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 9 January 2025. The Applicant was represented by Mr Pervez, and was also present on the call. The Respondents were not present or represented at the CMD.
2. In this Application, the Applicant seeks an eviction order. The Applicant founds on ground 5 for eviction, which is that a family member of the landlord intends to live in the Property. Specifically, the Applicant contends that his daughter intends to live in the Property.
3. In advance of the CMD, the Applicant’s Representative wrote to the Tribunal, by email dated 30 December 2024, to advise that (i) the Respondents were in

rent arrears of £5,200, (ii) the Respondents were unlawfully operating a car sale business from the communal car park at the Property, (iii) the Respondents were acting in an anti-social manner and otherwise causing nuisance by dumping hazardous materials (including car batteries) in the car park, abandoning vehicles and a caravan in the car park, and otherwise behaving abusively towards neighbours. Those matters were raised as relevant to the question of whether it is reasonable to grant the eviction order, as opposed to founding a basis for eviction.

4. At the CMD, Mr Pervez confirmed that the Applicant's daughter intends to live in the flat. She is currently living with the Applicant in Glasgow. She operates a café at 1 Chapel Street, Airdrie, which is a short distance from the Property. The café opens daily at 7.30am. The Applicant's daughter is commuting from Glasgow to open the café at 7.30am. The intention is for the Applicant's daughter to move into the Property due to its proximity to her place of work. Mr Pervez confirmed that Viman Lavinia-Viorico is currently resident in the Property. It is believed that Ioan Sorin splits his time between the Property and Romania. To the best of the Applicant's knowledge, no other person is living at the Property at present, and the Respondents do not access any local specialist services. The Property has not been adapted for the Respondents' use. Rent is paid by the Respondents directly to the Applicant. It is not known whether the Respondents receive Universal Credit or any other benefits.
5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing, including make a Decision. When making a Decision, the Tribunal must have regard to the overriding objective in Rule 2, which is to deal with proceedings justly. That includes the need to avoid unnecessary delay in proceedings.
6. The Respondents have had an opportunity to lodge written representations to the Application and, separately, to attend the CMD to dispute the Application. They have chosen not to do so. In the circumstances, the Tribunal is satisfied that the Respondents do not dispute the Application.
7. Having considered the Application and heard from the Applicant's Representative, the Tribunal is satisfied that Ground 5 for eviction is established and that it is reasonable to grant the eviction order.
8. For the purposes of section 51(4), the Private Residential Tenancy between the parties will terminate on 10 February 2025.

## **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. Upton

09<sup>th</sup> January 2025

---

Legal Member/Chair

---

Date