

Housing and Property Chamber

First-tier Tribunal for Scotland



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/24/3631

Re: Property at 7 Chapel Court, Rutherglen, Glasgow, G73 1UR (“the Property”)

Parties:

Mr Hamza Mujahid, residing at 47 Levern Bridge Road, Glasgow, G53 7AB, Kirkcaldy, KY2 6ZN (“the Applicant”) and

Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Representative”) and

Miss Flora Young, residing at 7 Chapel Court, Rutherglen, Glasgow, G73 1UR (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

E Shand - Ordinary Member

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

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

2. The Applicant, through their Representative, had provided the Tribunal, in the Application, with copies of the parties' Private Residential Tenancy Agreement ("the PRT"), the Notice to Leave ("NTL") served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to South Lanarkshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.
3. The Respondent Miss Young, had been validly and personally served by Sheriff Officers with the Notification, Application papers and Guidance Notes from the Tribunal on 11th February 2025, and the Certificate of Intimation was produced.

Case Management Discussion on 18th March 2025

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 18th March 2025. The Applicant's Representative's Mr J Deane attended. The Respondent Miss Young did not attend and there was no explanation for her absence.
5. Mr Deane stated that he understood that Miss Young resided alone at the Property and that she was not in work. He said that he was unaware of whether or not Miss Young had any health conditions. He referred to the Affidavit of the Applicant, Mr Mujahid, which had been lodged in support of the Application and asked the Tribunal to grant an eviction order.

Statement of Reasons

6. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
7. Schedule 3 (4) of the 2016 Act provides that it is an eviction ground that a landlord intends to live in the let Property and confirms the criteria for the grant of an eviction order on this ground.
8. The Tribunal considered the Application papers, including the PRT, NTL and the terms of Mr Mujahid's Affidavit. The Tribunal also considered the submission made by Mr Deane. Having done so the Tribunal found in fact that Mr Mujahid seeks recovery of the Property in order to live in it with his wife and baby. The Tribunal found in law that ground 4 in Schedule 3 to the 2016 Act is satisfied. The Tribunal, in making their findings in fact and law, placed reliance on the absence of any contradictory

representations from the Respondent, Miss Young. Miss Young was personally served with the Application papers but did not submit any representations to the Tribunal in advance of the CMD and did attend at the CMD to contradict the terms of the Application and, in particular, did not provide any information to the Tribunal regarding the issue of whether or not it is reasonable to grant the order sought. The Tribunal therefore decided that it is reasonable to grant the eviction order.

Decision

9. The Tribunal therefore makes an eviction order as sought in this Application.

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 McWilliams

24th March 2025

Tribunal Legal Member

Date