



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/24/4372

Property : 207 Old Edinburgh Road, Uddingston, Glasgow G71 6BJ ("Property")

Parties:

Mohammed Nafees, 46 Mote Hill, Hamilton ML3 6EF ("Applicant")

Patten & Prentice, 2 Ardgowan Square, Greenock PA16 8PP ("Applicant's Representative")

Stephanie Swandells, 207 Old Edinburgh Road, Uddingston, Glasgow G71 6BJ ("Respondent")

Tribunal Members:

Joan Devine (Legal Member)

David Fotheringham (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 1 November 2021 ("Tenancy Agreement"); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 April 2024 ("Notice to Leave") with covering email dated 17 April 2024; statement of rent arrears; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering letter dated 16 September 2024. The Application was served on the Respondent by sheriff officer on 25 February 2025. On 8 April 2025 the Applicant's Representative lodged an updated statement of rent arrears which indicated arrears of £10,890.

Case Management Discussion ("CMD")

A CMD took place before the Tribunal on 9 April 2025 by teleconference. The Applicant was represented by Kenneth Caldwell of the Applicant's Representative. There was no appearance by or on behalf of the Respondent. Mr Caldwell told the Tribunal that

there had been no recent contact with the Respondent. He said that she had been in receipt of universal credit but the suggestion now was that she is no longer entitled to universal credit. He said that contact had been made with universal credit and the indication was that the Respondent is no longer entitled to benefits. He said that the arrears are now £10,890. Mr Caldwell told the Tribunal that the Respondent lives in the Property with her partner and 3 children. He said the Respondent is 34 years old and he therefore assumes the children are of primary school age. He said he was not aware of any illness or disability issues in the family. He said he understood that the Respondent's partner may work offshore.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 1 November 2021.
2. The Notice to Leave was served by email on 17 April 2024.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 16 September 2024.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had been established.

Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of the Property.

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.

Legal Member: Joan Devine

Date: 09 April 2025

Joan Devine