

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 18(1) of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/3404

Re: Property at Flat 0/3, 64 Bulldale Street, Glasgow, G14 0NG (“the Property”)

Parties:

Mr Scott Brady, 34 Southbrae Gardens, Glasgow, G13 1UB (“the Applicant”) and

Miss Muna Mohammed, Flat 0/3, 64 Bulldale Street, Glasgow, G14 0NG (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member

S Brydon - Ordinary Member

Decision

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

Background

1. This is an Application brought in terms of Rule 66 (Application for order for possession upon termination of a short-assured tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure (“the 2017 Rules”).
2. The Applicant, Mr Brady, had provided the Tribunal, in the Application, with copies of the parties’ short assured tenancy agreement, Form AT5, Notice to Quit and Sections 33 and 11 Notices with relevant Executions of Service. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the Housing (Scotland) Act 1988 (“the 1988 Act”), and the procedures set out in the Act had been correctly followed and applied.

3. The Respondent, Miss Mohammed, had been validly served by Sheriff Officers with the Application papers, Guidance Notes and Notification of the CMD from the Tribunal on 10th March 2025, and the Certificate of Service was produced.

Case Management Discussion on 22nd April 2025

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 22nd April 2025. Mr Brady attended. Miss Mohammed did not attend and there was no explanation for her absence.
5. Mr Brady referred to the Application papers. He said that he and his wife own a large number of rented properties and wish to refurbish the Property with a view to selling it. He said that the Property is small and not ideal for Miss Mohammed and her two sons who are both of school age. Mr Brady stated that Miss Mohammed has been in contact with Glasgow City Council ("GCC") regarding a new tenancy. He said that he had agreed with Miss Mohammed that she and her sons, one of whom has been diagnosed with autism, would remain in the Property until an eviction order has been granted. He further said that Miss Mohammed understands that GCC will give her priority in respect of her housing application after an eviction order has been made. Mr Brady asked that the order be granted in the interests of all parties.

Statement of Reasons

6. In terms of Section 33 of the 1988 Act, the Tribunal shall make an order for possession of a house let on a tenancy if:
 - (a) the short assured tenancy has reached its term;
 - (b) tacit relocation is not operating;
 - (c) no further contractual tenancy (whether a short assured tenancy or not) is for the time being in existence; and
 - (d) the landlord has given to the tenant notice stating that he requires possession of the house.
7. The Tribunal considered all of the Application papers, including the parties' short assured tenancy agreement and the Form AT5 and Notice to Quit, which had been served on Miss Mohammed, as well as the submission of Mr Brady.
8. Miss Mohammed had not lodged representations with the Tribunal regarding the Application and, in particular, the reasonableness of the grant of an eviction order. Miss Mohammed had not attended the CMD to provide any evidence, and/or make any submission, to oppose and contradict the basis for the order sought by Mr Brady.
9. The Tribunal therefore finds in fact that the parties' tenancy agreement has been terminated and Mr Brady has given appropriate notice to Miss Mohammed that he requires to recover possession of the Property as a result of his service of the appropriate documentation on Miss Mohammed. The

Tribunal finds in law that the criteria in Section 33 of the 1988 Act have been satisfied and determines that it is reasonable that an eviction order be granted

10. Accordingly, the Tribunal grants an eviction order.

Decision

11. In the circumstances, the Tribunal makes an order for possession of the Property 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

22nd April 2025

Tribunal Legal Member

Date