

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/24/4422

Re: Property at 22 Ranfurly Road, Glasgow, G52 2RJ (“the Property”)

Parties:

Miss Rajwinder Kaur, 43 Hartlaw Crescent, Cardonald, G52 2JJ (“the Applicant”)

Mr Brian Jack, Steven Jack, 22 Ranfurly Road, Glasgow, G52 2RJ (“the Respondents”)

Tribunal Members:

Richard Mill (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondents by Sheriff Officers on 11 April 2025.

The CMD took place by teleconference on 28 May 2025 at 2.00 pm. The applicant joined the hearing and represented her own interests. The respondents failed to participate in the hearing.

Findings and Reasons

The property is 22 Ranfurly Road, Glasgow G52 2RJ. The applicant is Miss Rajwinder Kaur who is the heritable proprietor of the property and the registered landlord. The respondents are Mr Brian Jack and Mr Steven Jack who are the tenants. The parties

entered into a private residential tenancy in respect of the property which commenced on 25 February 2021.

The applicant relies upon ground 4 schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The relevant notice period under ground 4, at the time the notice to leave was served was one of 84 days. The notice is dated 14 June 2024 and stipulates that the earliest an application be submitted to the tribunal would be 9 September 2024. There is evidence that the notice to leave was served electronically on the respondents on the day it is dated. The notice to leave is therefore valid.

In support of the ground for eviction the applicant has explained that she purchased the property to live in but, due to circumstances at that time, was unable to do so. She sought and obtained consent from her mortgage lender to let the property which was approved for a period of 5 years, ending later in 2025. The applicant now has a young child born in 2024 and requires the let property to live in with her husband and child.

The tribunal was satisfied on the basis of the credible submissions of the applicant that it is her genuine intention to live in the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondents are brothers who are both known to work full time. They have no dependants and no disabilities or other vulnerabilities. They have stopped making payments of rent and the arrears now total £2,600. They have not actively opposed the application for eviction.

A Section 11 notice has been issued to the relevant local authority. The tribunal was satisfied that the respondents will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

28 May 2025

Legal Member/Chair

Date

