

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/24/4161

Re: Property at 85 Riddell Street, Clydebank, G81 2DH (“the Property”)

Parties:

Mr Abid Hussain, C/O 105 Urrdale Road, Glasgow, G41 5DG (“the Applicant”)

Miss Samantha Barrowman, 85 Riddell Street, Clydebank, G81 2DH (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Elizabeth Williams (Ordinary Member)

1. Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for the Respondent’s eviction from the property should be made on the ground that the Applicant intends to live in the property and it is reasonable in all of the circumstances that the eviction order be granted.

Background

2. This was a case management discussion (‘CMD’) in connection with an eviction application in terms of rule 109 of the Tribunal rules of procedure and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016, (‘the Act’). The Applicant’s representative Ms Michelle Gabriel of Clydebank Estate and Letting Agents attended on his behalf. The Respondent attended.

3. The eviction application was made on 5 September 2024. The Tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement ('PRT').
- (2) Notice to leave dated 29 April 2024.
- (3) Proof of service of the notice to leave.
- (4) Land certificate.
- (5) Landlord registration.
- (6) Section 11 notice and proof of service.
- (7) Affidavit executed by Applicant on 17 October 2024 in Pakistan.

Case management discussion

The Applicant's position

4. According to Mss Gabriel, the Applicant is still living in Pakistan but intends to return to Scotland and live in the property when it is vacant. She has provided a signed affidavit, executed in Pakistan before a notary public to this effect. The Applicant is sympathetic to the Respondent's situation. She has been struggling to pay the full rent since June 2024 and arrears of £1540 have accrued. The property is too expensive for the Respondent and it is also too small, as her mother is living with her and Ms Barrowman is believed to be sleeping in the living room.

The Respondent's position

5. The Respondent is not opposed to the eviction application. She currently lives in the property with her mother and three teenage children. It is not big enough and the rent is too expensive for her. She has made a housing application with the local authority but they are unable to rehouse her until the eviction is granted.

6. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a PRT for the let of the property around 25 July 2019.
- The Respondent was served with a valid notice to leave on 29 April 2024.
- The Applicant intends to live in the property.
- Rent arrears began to accrue in June 2024 and there are currently £1540 of arrears.
- The Respondent continues to make rental payments.
- The Respondent is not opposed to the eviction order being granted.

Reasons

7. This was an undefended eviction application. The Applicant intends to live in the property once it is vacant. The property is no longer suitable for the Respondent and she has made a housing application with the local authority. This cannot be

progressed until the eviction is granted. The Tribunal was satisfied that it had sufficient information before to to make a decision and the procedure had been fair. The Tribunal was satisfied that it was reasonable in all of the circumstances 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.

Lesley Ward

Lesley Anne Ward

28 May 2025

Legal Member

Date