

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**Decisions with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Sections 51 and 71 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Refs: FTS/HPC/CV/24/3048 and FTS/HPC/EV/24/3050**

**Re: Property at 5 Neidpath Road West, Whitecraigs, Glasgow G46 6SS (“the Property”)**

### **Parties**

**Ms Toni Adelina Molinari, 15 Erskine Road, Giffnock, G46 6TH (“the Applicant”) and**

**TC Young Solicitors 7 West George Street, Glasgow, G2 1BA (“the Applicant’s Representative”) and**

**Ms Saima Ahmed, 5 Neidpath Road West, Whitecraigs, Glasgow, G46 6SS (“the Respondent”) and**

**Mr Mernosh Kodia, whose address was not provided (“the Respondent’s Representative”)**

### **Tribunal Members:**

**G McWilliams- Legal Member  
H Barclay - Ordinary Member**

### **Decisions in absence of the Respondent**

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

- 1) To grant an eviction order; and**
- 2) To grant an order for payment to the Applicant, Ms Toni Adelina Molinari, by the Respondent, Ms Saima Ahmed, of the sum of £32,399.00 with interest thereon at the rate of 8% per annum from 12<sup>th</sup> June 2025 until payment.**

## **Background**

1. These are Applications for an eviction order in terms of Rule 109 (Application for an eviction order) and for a payment order in terms of Rule 111 (Application for civil proceedings in relation to a private residential tenancy) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").

## **Case Management Discussion on 12<sup>th</sup> June 2025**

2. A Case Management Discussion ("CMD") proceeded by remote teleconference call at 10.00am on 12<sup>th</sup> June 2025.
3. The Applicant's Representative's Miss K Donnelly, attended. The Respondent, Ms Saima Ahmed, and her Representative, Mr Kodia, did not attend and there was no explanation for their absence. The Tribunal had noted that the Tribunal's office had exchanged emails with Ms Ahmed regarding the postponement of the previous CMD, which was scheduled on 5<sup>th</sup> March 2025. They further noted that the Tribunal's office intimated details of the CMD on 12<sup>th</sup> June 2025, and the Applicant's Representative's amendment of the payment order sum sought, to £32,399.00, in Application CV/24/3048, by email to Ms Ahmed's Representative, Mr Kodia, on 4<sup>th</sup> April 2025 and 14<sup>th</sup> May 2025 respectively.
4. Miss Donnelly referred to the Applications and subsequent e-mails which she had sent to the Tribunal's office. She said that Ms Ahmed last paid monies towards her rent account, of £10,000.00, on 14<sup>th</sup> January 2025 and her previous payment had been in the sum of £5300.00 on 4<sup>th</sup> January 2024. She said that Ms Ahmed's arrears of rent now amount to £35,049.00. Miss Donnelly stated that Ms Molinari and her letting agents had limited information regarding Ms Ahmed's circumstances. She said that they were aware from email communications that Ms Ahmed travels to and from Oman for work and has 3 children. Miss Donnelly said that she had ascertained that Mr Kodia was a director of a company which had its registered office at the Property and was dissolved on 3<sup>rd</sup> June 2025. She stated that her office had written to Ms Ahmed, intimating the proposed amendment of the payment order sought, and giving details of the CMD on 12<sup>th</sup> June 2025, by first class and recorded delivery post on 12<sup>th</sup> May 2025. Miss Donnelly said that Royal Mail had reported that the recorded delivery letter was signed for by "Ahmed" on 14<sup>th</sup> May 2025. She asked that the Tribunal grant the orders sought in both Applications, with the payment order amount being in the sum of £32,399.00 with interest at the rate of 8% per annum, as stipulated in clause 8 of the parties' private residential tenancy agreement ("PRT").

## **Findings in Fact and Law and Reasons for Decisions**

5. 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 PRT if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.

6. Schedule 3 (4) to 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.
7. Schedule 3 (12) to the 2016 Act provides that it is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.
8. Section 71 of the 2016 Act provides as follows:
  - (1) In relation to civil proceedings arising from a private residential tenancy-
    - (a) the First-tier Tribunal has whatever competence and jurisdiction a sheriff would have but for paragraph (b),
    - (b) a sheriff does not have competence or jurisdiction.
  - (2) For the purposes of subsection (1), civil proceedings are any proceedings other than-
    - (a) the prosecution of a criminal offence,
    - (b) any proceedings related to such a prosecution.
9. Accordingly, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order and order for payment of unpaid rent against a tenant (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
10. Having considered all of the Applications papers, including the Affidavit of Ms Molinari dated 1<sup>st</sup> May 2025, and the submission of Miss Donnelly, the Tribunal finds in fact that the Applicant Ms Molinari, through her Representative, has provided the Tribunal, in her Application for an eviction order, with copies of the parties' PRT, the Notices to Leave ("NTLs") served on Ms Ahmed and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice subsequently intimated to East Renfrewshire 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. The Application for an eviction order proceeds in terms of Schedules 3(4) and 3(12) to the 2016 Act. The Tribunal further finds in fact that when the first NTL was served on Ms Ahmed she had been in rent arrears for three consecutive months, and that this was also the case when both Applications were lodged with the Tribunal's office, on 3<sup>rd</sup> July 2024, and continues to be the case. Ms Ahmed has not paid any rent since January 2025 and is currently in rent arrears in the sum of £35,049.00. The Tribunal also finds in fact that Ms Molinari intends to live in the Property with her husband, following their marriage in May 2025
11. In making its findings in fact the Tribunal relied on the documentation within the Applications and, in particular, on the terms of Ms Molinari's Affidavit and the rent statements lodged by her Representative. They also relied on the oral submission of Miss Donnelly, the terms of which were consistent with the terms of the relevant documentation.

12. Further, the Tribunal, in making their findings in fact, placed reliance on the absence of any contradictory information or submissions from the Respondent Ms Ahmed. The papers in respect of both Applications had been served effectively on her on 28<sup>th</sup> January 2025 and the details of the CMD had been sent by the Tribunal's office to her Representative Mr Kodia. She was also sent details of the CMD by Ms Molinari's Representative. Ms Ahmed is aware of the important nature of the Applications but has not lodged any representations regarding their merits and the reasonableness of the grant of the orders sought. The Tribunal's office has not received any communications from Mr Kodia.
13. Accordingly, the Tribunal find in law that the grounds in Schedule 3 (4) and (12) to the 2016 Act are met as the Respondent Ms Ahmed has been in rent arrears for three or more consecutive months and the Applicant Ms Molinari intends to live in the Property and, also, that it is reasonable that an eviction order be granted.
14. The Tribunal also find in law that Ms Ahmed is obliged to pay rent to Ms Molinari, in terms of the parties PRT, and, having not done so consistently, was in rent arrears in the sum of £32,399.00 at 14<sup>th</sup> May 2025 when an updated rent statement was intimated to Mr Kodia. The Tribunal therefore find that the Applicant, Ms Molinari, is entitled to an order for the Respondent Ms Ahmed's payment to her of the sum of £32,399.00 with interest at the rate of 8% per annum until payment. Ms Molinari may submit a fresh Application to the Tribunal for a further payment order in respect of other rent arrears owing.

## **Decisions**

15. Therefore, the Tribunal makes an order for eviction of the Respondent, Ms Saima Ahmed, from the Property at 5 Neidpath Road West, Whitecraigs, Glasgow G46 6SS and, also, an order for payment to the Applicant, Ms Toni Adelina Molinari, by the Respondent, Ms Saima Ahmed, of the sum of £32,399.00 with interest at the rate of 8% per annum until payment.

## **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**  
**Tribunal Legal Member**

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**12<sup>th</sup> June 2025**

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