



**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 (Act)**

Chamber Ref: FTS/HPC/EV/24/5871

Re: Property at 13 Sunnyside Drive, Bargeddie, G69 7QE (“the Property”)

Parties:

Mr Umar Farooq, Mrs Naseem Farooq, 6 Captains Walk, Cleland, ML1 5TU (“the Applicant”)

Miss Danielle Simpson, 13 Sunnyside Drive, Bargeddie, G69 7QE (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction and recovery of possession be granted.

Background

This is an application under section 18(1) of the Act and Rule 65 of the Procedure Rules for eviction and recovery of possession on the basis of grounds 11, 12, 13 and 14 of Schedule 5 to the Act.

The following documents were considered by the Tribunal:

1. Application received 24 December 2024;
2. AT5;
3. Short Assured Tenancy Agreement (**SAT**) commencing 18 April 2016;
4. AT6 dated 29 October 2024 and served the same day by Sheriff Officer;
5. Pre Action Correspondence;
6. Photographs of the condition of the Property;

7. Email from North Lanarkshire Council Environmental Protection dated 4 April and 18 March 2024;
8. Section 11 Notice and email serving on local authority dated 29 November 2024;
9. Schedule of Rent Arrears;
10. Certificate of Service of CMD Notification on Respondent by Sheriff Officers dated 7 July 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 20 August 2025. The Applicants did not participate but were represented by their Solicitor, Mrs Mullen. The Respondent did not participate and was not represented.

The Tribunal delayed the start of the CMD to see if the Respondent would participate. The Respondent did not.

The Tribunal were satisfied that the Respondent had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondent that she should attend and the Tribunal could determine the matter in absence if she did not.

The Applicants' Solicitor drew attention to the fact that the arrears were now £10,899.20 and that the Respondent had not paid any rent for some time. She was not engaging with the Applicant. It is believed that she lives in the Property with a friend and that there are children but the ages of the children are not known.

The Respondent is believed to be in receipt of benefits but housing benefit is not being paid to the Applicants.

The Property is not being looked after by the Respondent and she is in breach of her contractual obligations as a result.

It is believed that she is awaiting the outcome of this CMD in order to assist with the provision of alternative housing by the local authority.

The Tribunal then considered the documentary evidence it had received from the Applicant and in so far as material made the following findings in fact:

1. The Parties let the subjects under an SAT commencing 18 April 2016;
2. An AT5 had been served on the Respondent prior to commencement of the SAT;
3. AT6 had been served on 29 October 2024;
4. Section 11 Notice had been served on the local authority;
5. Monthly rent was £600;
6. As at the date of service of the AT6 there was £4,899.20 rent due;
7. As at the date of the CMD there was £10,899.20 rent due;
8. Pre Action correspondence had been issued to the Respondent;

9. The Respondent has allowed the condition of the Property and the garden to deteriorate;
10. The Respondent has allowed refuse and waste to accumulate in the garden and in the Property which has led to the involvement of the local authority environmental health department.

The Tribunal considered and accepted the documentary evidence of the Applicants which was, in any event, uncontested. The Tribunal considered that it had sufficient information upon which to make a Decision and that the procedure was fair.

Grounds 11 and 12 provide:

Ground 11

Whether or not any rent is in arrears on the date on which proceedings for possession are begun, the tenant has persistently delayed paying rent which has become lawfully due.

Ground 12

Some rent lawfully due from the tenant—

- (a) is unpaid on the date on which the proceedings for possession are begun; and
- (b) except where subsection (1)(b) of section 19 of this Act applies, was in arrears at the date of the service of the notice under that section relating to those proceedings.

The Tribunal considered the relevant tests for Grounds 11 and 12 to be satisfied. The Respondent had persistently delayed paying rent, rent was due when the AT6 was served, when proceedings were raised and at the date of the CMD.

Grounds 13 and 14 provide:

Ground 13

Any obligation of the tenancy (other than one related to the payment of rent) has been broken or not performed.

Ground 14

The condition of the house or of any of the common parts has deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any one of joint tenants or any person residing or lodging with him or any sub-tenant of his; and, in the case of acts of waste by, or the neglect or default of, a person lodging with a tenant or a sub-tenant of his, the tenant has not, before the making of the order in question, taken

such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant.

In this Ground, “the common parts” means any part of a building containing the house and any other premises which the tenant is entitled under the terms of the tenancy to use in common with the occupiers of other houses.

The Tribunal considered that the neglect of the Property and garden had been established from the documentary and photographic evidence lodged. This constituted breaches of Clauses 4,5,6,7 and 15 of the SAT. Grounds 13 and 14 were established.

The Tribunal had no evidence from the Respondent or information to suggest it would be unreasonable to grant the order. The Tribunal was accordingly satisfied that it was reasonable and that the order should be granted as sought.

In granting the order the Tribunal was satisfied that the decision was in accordance with the overriding objective.

Outcome

- **Order for eviction and recovery of possession granted**

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.

Alan Strain

20 August 2025

Legal Member/Chair

Date