



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) Act 2016

Chamber Ref: FTS/HPC/EV/20/2067

Re: Property at 6 Cairntoul Place, Glasgow, G14 0EZ (“the Property”)

Parties:

Mr Mansoor Khalid & Mrs Sadia Mansoor, 13 Cairntoul Place, Glasgow, G14 0EZ per Miss Rosalind Phillips, Northwood, 4/5, 45 Finnieston Street, Glasgow G3 8JW (“the applicants”)

Mr Nazar Al-Musawi, Mrs Nidal Al-Musawi, 6 Cairntoul Place, Glasgow, G14 0EZ (“the respondents”)

Tribunal:

David Preston (Legal Member) (“the tribunal”)

Decision (in absence of the Respondent):

The First-tier Tribunal for Scotland (Housing and Property Chamber) determined that an order for eviction be granted in favour of the applicants.

Background:

1. By application dated 18 September 2020 the applicants applied to the tribunal for an order for eviction and possession of the property on the basis of Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
2. The relevant papers before the tribunal comprised:
 - a. Tenancy Agreement dated 19 October 2018;
 - b. email dated 17 March 2020 from Mansoor Khalid to Northwood confirming his intention to sell the let property;
 - c. property valuation dated 20 March 2020;
 - d. letter of authorisation dated 1 July 2020 from the applicants to Northwood confirming their authority to act;
 - e. Notice to Leave dated 18 March 2020 with Proof of Posting dated 18 March 2020 and email dated 18 March 2020 from Northwood to the respondents enclosing Notice to Leave;

- f. Notice under section 11 of the Homelessness etc (Scotland) Act 2003;
 - g. Title Information relative to the property - GLA21563;
 - h. Sheriff Officer's Report dated 12 November 2020 and Certificates of Service dated 9 November 2020 confirming service of a full set of papers on the respondents.
3. By Decision dated 20 October 2020, a Convener of HPC having delegated power for the purpose, referred the application under rule 9 of the Rules to the tribunal.

Case Management Discussion

4. On 15 December 2020 a CMD was convened by telephone in terms of the Notice of Intimation. Miss Phillips was in attendance on behalf of the applicants. There was no appearance by or on behalf of the respondents by 10.10am.
5. Notice of the CMD had been served on the respondents together with a full set of papers relating to the application. The tribunal was satisfied that due notice had been given to the respondents to which they had failed to respond, and they had therefore voluntarily waived their right to attend or be represented. The tribunal was content to proceed in their absence.
6. Miss Phillips confirmed that the respondents remain in the property. She advised that the rent had been paid up to date. The applicants were seeking possession of the property on the basis of Ground 1, namely that they intend to sell the property as confirmed in the email dated 17 March 2020.

Reasons for Decision:

7. Rule 17 of the Regulations states that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The tribunal decided that, on the basis of the information presented to it, it was able to determine the application at the CMD.
8. The tribunal was satisfied that: the applicants are the owners of the property and are accordingly entitled to sell it as evidenced by the Title Information; and they intend to sell the property for market value as evidenced by the email dated 17 March 2020 and the property valuation dated 20 March 2020.
9. The tribunal considered the terms of the Coronavirus (Scotland) Act 2020 but was satisfied that the Notice to Leave had been served on the respondents prior to the coming into force of that Act and had no effect on this application.
10. Accordingly, in terms of Paragraph 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016, the tribunal is required to grant the order for eviction.

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.