



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of the Rules**

**Re: Property at 0/1 18 Eglinton Court, Hillhead, Glasgow, G5 9NE (“the Property”)**

**Parties:**

**Ms Enshan Zhang, 59 Pine Place Gorbals, Glasgow, G5 0BX (“the Applicant”) per her agents D.J. Alexander, John Cotton Business Centre, 10 Sunnyside, Edinburgh EH7 5RA (“the Applicant’s Agents”)**

**Rabia Asif, 0/1 18 Eglinton Court, Hillhead, Glasgow, G5 9NE (“the Respondent”)**

**Tribunal Members:**

**Karen Moore (Legal Member) and David Godfrey (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory ground being established and the statutory procedure having been carried out, it is reasonable to grant the Order sought and so the Tribunal granted the Order.**

**Background**

1. By application received 12 June 2023 (“the Application”), the Applicant’s Agents applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 5 of Schedule 3 to the 2016 Act, that a member of the landlord’s family intends to reside in the let property.
2. The Application comprised the following:
  - i) copy private residential tenancy agreement between the Parties showing a monthly rent of £595.00 commencing on 1 July 2020;

- ii) copy Notice to Leave in terms of Ground 5 of Schedule 3 to the Act dated 28 December 2022;
  - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Glasgow City Council being the relevant local authority;
  - iv) written statement by the Applicant explaining that her daughter and son-in-law require to reside in the Property as they are newly married, house share with another person and are unable to afford their own accommodation and
  - v) a copy of the Applicant's title deed.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 4 September 2023 at 14.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent by Sheriff Officer service on 2 August 2023.

### **CMD**

4. The CMD took place on 4 September 2023 at 14.00 by telephone. The Applicant was represented by Mr. M. Urquhart of the Applicant's Agents. The Respondent was not present and was not represented. She did not submit written representations.
5. Mr. Urquhart confirmed that the Applicant sought an eviction Order for the reasons set out in the written statement submitted as part of the Application. Mr. Urquhart understood that the Respondent continued to reside in the Property. He did not have any information in respect of the Respondent's personal circumstances.

### **Findings in Fact**

6. From the Application and the CMD, the Tribunal made the following findings in fact: -
  - i) There is a private residential tenancy of the Property between the Parties;
  - ii) The Applicant's daughter and son-in-law are newly married and currently share a home with another person;
  - iii) The Applicant's daughter and son-in-law are unable to afford their own accommodation;
  - iv) The Respondent is aware of the proceedings and has not made any submissions to oppose the proceedings.

### **Issue for the Tribunal**

7. The issue for the Tribunal was to determine whether or not to grant the Order sought.
8. The Ground on which the Application proceeds is Ground 5 which is that a member of the landlord's family intends to occupy the property as that person's only or principal home for at least three months. The Tribunal is satisfied that a member of the Applicant's family intends to reside in the Property on that basis. Ground 5 also states the Tribunal must be satisfied that it is reasonable to issue an eviction order.
9. The statutory ground being established, and the Application not being opposed, the issue for the Tribunal was to determine if it is reasonable to grant the Order. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussion .....including making a decision*". The

Tribunal took the view that it had sufficient information to make a decision on reasonableness and so proceeded to determine the Application.

### **Decision and Reasons for Decision**

10. The Tribunal had regard to all the information before it and to its Findings in Fact.
11. The Tribunal then considered if it could be satisfied it is reasonable to issue an eviction order on account of those facts and on all of the information before it.
12. The Tribunal had regard to the facts that the Applicant's daughter and son-in law are sharing a home with another person that they cannot afford to purchase or rent accommodation of their own and they require to reside in the Property. The Tribunal had regard to the fact that the Respondent does not oppose the eviction order and has not put forward any reasons why the order should not be granted. Accordingly, the Tribunal was satisfied that it is reasonable to issue an 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.

**Karen Moore**

---

**Legal Member/Chair**

**4 September 2023.**

**Date**