



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) (Scotland) 2016 (“the Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/20/1824

Re: Property at Flat 1/2, 37 Albert Road, Glasgow, G42 8DL (“the Property”)

Parties:

Mr Muzafar Yousaf, c/o The Property Store, 111 Albert Drive, Glasgow, G41 2SU (“the Applicant”) per his agents Messrs Anderson Strathern, solicitors, 50 George Square, Glasgow, G1 1EH (“the Applicant’s Agents”)

Mr Rouman Butt, Flat 1/2, 37 Albert Road, Glasgow, G42 8DL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member)

Decision (in absence of the Respondent)

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

1. By application received between 28 August and 16 December 2020 (“the Application”), the Applicant’s Agents on behalf of the Applicant made an application to the First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Chamber”) for an eviction order under Ground 12 of Schedule 3 to the Act arising from a private residential tenancy agreement between the Parties. The Application comprised an application form, copy private residential tenancy agreement showing a monthly rent of £450.00, copy of a valid Notice to Leave citing Ground 12 of Schedule 3 to the Act together with proof of service and statements of rent due and owing showing the rent to be in arrears over three consecutive months to August 2020.

2. On 6 January 2021, a legal member of the Chamber with delegated powers of the Chamber President accepted the Application and a Case Management Discussion (“CMD”) was fixed for 12 February 2021 at 10.00 am by telephone conference call. The Application was intimated to the Respondent. The CMD was intimated to both Parties.

CMD

3. The CMD took place on 12 February 2021 at 10.00 am by telephone conference call. Neither the Applicant nor the Respondent took part. The Applicant was represented by Miss McAtier of the Applicant’s Agents. The Respondent was not represented.
4. Miss McAtier confirmed that amount of £4,950.00 remained due and owing by the Respondent to the Applicant and had, in fact, increased. Miss McAtier confirmed that rent of more than three consecutive months is due and owing at the date of the CMD.

Findings of the Tribunal.

5. From the Application and the CMD, the Tribunal found the following facts to be established: -
 - i) There is a private residential tenancy agreement between the Parties;
 - ii) The monthly rent is £450.00;
 - iii) Rent arrears amounting to more than three consecutive months accrued to the date on which the Notice to Leave was served;
 - iv) Rent arrears amounting to £4,950.00 being more than three consecutive months accrued to the date on which the Application was first made;
 - v) Rent arrears of more than three consecutive months remain accrued at the date of the CMD;

Decision of the Tribunal and Reasons for the Decision.

6. Having found that rent arrears of more than three consecutive months accrued at both the dates of the Notice to Leave and the date on which the Application and have accrued to the date of the CMD, the Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal “may do anything at a case management discussionincluding making a decision” and so proceeded to make an order for eviction as requested.

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

12 February 2021
Date