



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

Chamber Ref: FTS/HPC/EV/22/0315

Re: Property at 10 Glenbuck Avenue, Robroyston, Glasgow, G33 1LW (“the Property”)

Parties:

Mrs Hazel Young, Mr David Dyer Young, 105 Stirling Drive, Bishopbriggs, Glasgow, G64 3PG (“the Applicants”)

Ms Kirsty McLaren, 10 Glenbuck Avenue, Robroyston, Glasgow, G33 1LW (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

[1] Background

The application before the Tribunal was made in terms of Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicants sought an order to evict the Respondent from the property. The Tribunal intimated the application to the parties by letter of 10 March 2022 and advised them of the date, time and conference call details of today’s case management discussion. In that letter, the parties were also told that they required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 31 March 2022. No written representations were received by the Tribunal. The Tribunal observed

that sheriff officers successfully intimated the application to the Respondent on 14 March 2022.

The case management discussion

[2] The Applicants were represented by Miss Wooley. The case management discussion proceeded by conference call and in the absence of the Respondent. An affidavit of the Second Applicant, David Young, had been submitted confirming that the intention of the Applicants is to recover possession of the property to enable their son to live there. The Tribunal was advised that the Applicants' son intends to live the property with his girlfriend in the event of the Applicants obtaining vacant possession. There has been very little contact between the Respondent and agents for the Applicants. The Applicants believe that the Respondent lives alone at the property. It was submitted that the tenancy is currently beyond the Respondent's means on the basis that there are significant rent arrears due. The Applicants' letting agent tried to make contact with the Respondent to establish if there was a reason for rent arrears accruing, but did not get an explanation from the Respondent. The Applicants are unaware of whether the Respondent has applied for or is in receipt of benefits. The Respondent advised the Applicants' representative that she intended to seek advice from a solicitor and from the Citizens Advice Bureau. The Applicants wish to support their son by allowing him and his girlfriend to live in the property rent free to enable them to save a deposit for their own property. The Applicants relied upon ground 5 of schedule 3 to the Act, namely, that a family member intends to live in the property. It was submitted that it is reasonable in all of the circumstances to grant the order for eviction.

[3] Findings in Fact

- i. The parties entered into a Private Residential Tenancy Agreement which commenced 22 May 2019.
- ii. The Applicants' representative served the Notice to Leave on the Respondent by email on 24 September 2021.
- iii. The Applicants' son intends to live in the property for at least three months.

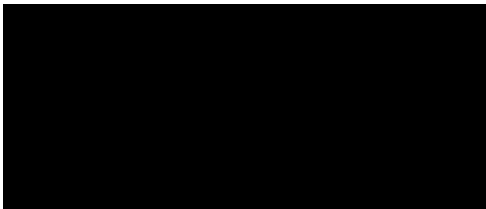
[4] Reason for Decision

The Tribunal proceeded on the basis of the documents lodged and the submissions made at the case management discussion. The Tribunal was

satisfied that ground 5 has been established and that it is reasonable or the Tribunal 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.



Legal Member/Chair

Date: 3 May 2022