



**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/22/1701**

**Property : Flat 0/1, 62 Craigie Street, Glasgow G42 8NH("Property")**

**Parties:**

**Jasbir Virhia, 53 Herries Road, Glasgow G41 4AH ("Applicant")**

**G4 Properties (Glasgow) Ltd, 52 Albert Drive, Glasgow G42 8DN ("Applicant's Representative")**

**Dragomir Ferar and Roxana-Liana Hendre, Flat 0/1, 62 Craigie Street, Glasgow G42 8NH ("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)  
Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("Tribunal") determined that an order for possession of the Property should be made.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement dated 30 January 2018; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 14 April 2022 ("Notice to Leave") which incorporated a rent statement showing arrears of £2,052.33; royal mail proof of posting dated 14 April 2022 and royal mail proof of delivery dated 16 April 2022; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 31 May 2022; letters from the Applicant's Representative to the Respondent dated 23 December 2020 and 11 January 2021 regarding rent arrears and sheriff officer's execution of service certifying service of the Application on 15 November 2022.

## **Case Management Discussion**

A case management discussion took place before the Tribunal on 13 December 2022 by teleconference. Keith Hassan of the Applicant's Representative was in attendance. There was no appearance by the Respondent.

Mr Hassan told the Tribunal that the Applicant owned a portfolio of properties. If an order for possession was granted the Property would be relet or sold. He said that the Respondent had not maintained the Property and repairs would be required. Mr Hassan said that the Respondents were from Romania and he believed they frequently travelled back there. When he telephoned the First Respondent he received an international dial tone. Mr Hassan said he had 3 telephone numbers for the First Respondent the last of which was provided on 13 June 2022. He said that all numbers were now unobtainable as was the number he had for the Second Respondent. Mr Hassan told the Tribunal that some payments had been received from Universal Credit. He said that the current arrears were £3,212.23. Mr Hassan told the Tribunal that he had managed to carry out an inspection of the Property which showed repairs being required including a collapsed ceiling which had not been reported. He said that the necessary works were carried out. He said that he believed that third parties were living in the Property. He said that his office was close to the Property. He had frequently seen the first Respondent in the locality but had not seen him for some months.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent had entered into a Tenancy Agreement dated 30 January 2018 ("Tenancy Agreement").
2. The Notice to Leave was sent by recorded delivery post on 14 April 2022 and was delivered on 16 April 2022.
3. The Notice to Leave stated that an application for an eviction order would not be submitted to the Tribunal before 16 May 2022.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 31 May 2022.
5. Notice of the date of the case management discussion had been given to the Respondent on 15 November 2022.

6. The Respondent had failed to pay the rent in full for the period 30 October 2021 to 30 March 2022.
7. At the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months

### **Reasons for the Decision**

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act.

In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 12 which states :

"(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months."

The Tribunal considered the statement of rent arrears and determined that the ground for eviction had been established. In the absence of any submission by the Respondent that it would not be reasonable to grant an order for eviction, and in light of the submission made by the Applicant's Representative, the Tribunal determined that it was reasonable to issue an eviction order.

### **Decision**

The Tribunal grants an order for possession of the Property.

### **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.**

Joan Devine

**Legal Member**

**Date : 13 December 2022**

