

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/19/2306

Re: Property at 202 Ayr Road, Glasgow, G77 6DT ("the Property")

Parties:

Dr Mohammed Shoaib Moughal, 15 Alder Road, Glasgow, G43 2UU ("the Applicant")

Mr Azhir Sharif, 202 Ayr Road, Glasgow, G77 6DT ("the Respondent")

Tribunal Members:

Mark Thorley (Legal Member)

Decision (in absence of the Respondent)

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

Background

1 The Applicant applied to the First Tier Tribunal for Scotland for an order for eviction as the applicant required to sell the property.

2 Along with the application there was submitted the following:

- (a) Copy tenancy agreement dated 1 September 2018**
- (b) Notice to leave dated 23 April 2018**
- (c) Section 11 notice**

3 Subsequently further papers have been lodged by the applicant

- (a) Affidavit of applicant dated 18 September 2019**
- (b) Letter from Slater Hogg and Howieson undated**

4 The Respondent had made written representations in advance of the case management hearing.

CASE MANAGEMENT DISCUSSION

At the case management discussion Mr Caldwell solicitor appeared on behalf of the applicant.

There was no appearance by or for the respondent. There was no nomination by the respondent of anyone to appear on his behalf.

FINDINGS IN FACT

1 The parties entered in to a lease for the property on 1 September 2018.

2 The applicant wishes to sell the property and has instructed Slater Hogg and Howieson to market the property.

3 The appropriate documentation had been served in advance and the respondents had notice of the hearing.

REASONS FOR DECISION

The applicant submitted through his solicitor and in the paperwork that he wished to see his property. He had lodged in advance an affidavit setting out the requirement to sell. He has a large HMRC tax liability, The property is valued by way of home report at £550,000.

Estate agents Slater Hogg and Howieson were already instructed to market the property, They were awaiting the order for recovery.

The respondent was not present at the case management discussion and had not authorised anyone to attend on his behalf.

The written representations sent by them queried the applicants basis of recovery and sought vouching of the tax liability.

The affidavit from the landlord and the instruction of Slater Hogg and Howieson was however more than sufficient to satisfy the ground. This is a mandatory ground for eviction.

The applicant is the owner of the property and clearly intends to sell if for market value in accordance with the letter from Slater Hogg and Howieson.

The evidence for this came from his own affidavit together with the letter from Slater Hogg and Howieson.

Nothing else could have have been adduced at any further hearing.

In the circumstances the order for eviction was granted,

DECISION

The order for eviction was granted.

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.

Mark Thorley

Legal Member/Chair

Date

20 September 2019