



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/22/2000

Re: Property at Flat 1/2 21 Gartuk Street, Glasgow, G42 8JQ (“the Property”)

Parties:

Mr Amir Butt, Flat 2/2 180 Butterbiggins Road, Glasgow, G42 7AP (“the Applicant”)

Mr Shahbaz Hussain Bive, Flat 1/2 21 Gartuk Street, Glasgow, G42 8JQ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 14th June 2022. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on the Respondent not adhering to ground 4 of the Private Housing (Tenancies) Act 2016.
2. On 6th February 2023, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th March 2023 at 10am by teleconferencing. The letter also requested all written representations be submitted by 27th February 2023.

3. On 7th February 2023, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by leaving the papers in the hands of Mr Alys Hussen Patool. This was evidenced by Certificate of Intimation dated 7th February 2023.

The Case Management Discussion

4. A CMD was held on 10th March 2023 at 10am by teleconferencing. The Applicant was present and represented by his friend Mr Mustafa Baig. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make representations in advance of the CMD.
5. Mr Baig spoke on behalf of the Applicant. He told the Tribunal that the Applicant only owned this property and rents the one he lives in. He lives in his property with his wife and 5 children. His children are aged 22, 21, 17, 15 and 11. His eldest two children are at university. His eldest is studying medicine and his second eldest is studying sociology. His 17 year old daughter has been accepted to start medicine this year. They are all studying in Glasgow. His youngest two children are both at school. His youngest child has Autistic Spectrum Disorder. The Applicant lives in a four bedroom property. He wishes to return to the Property to live with his two children who are both to be studying medicine. They require somewhere quiet to study. The Applicant intends to move into the Property with them to allow this to happen. The Property is very close to his current property. He would see living in the Property as being an annexation to his current property. If he did not move back into the Property he would require to rent somewhere for his daughters which would cause him financial hardship.
6. Mr Baig said that there are no significant rent arrears though the Respondent has not paid this months rent so there are arrears of £500. There has been no contact with the Respondent. Contact has only been made with the letting agent.
7. Mr Baig said that there are only two people who live in the flat who are the Respondent and his father. He believes that the Respondent is in his 30s and his father in his late 50s. Both are employed. There are no known health issues.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 26th September 2019.
9. The Applicant intends to live in the Property with two of his daughters to support their university studies. If the order were not granted it would cause the Applicant to have great financial pressure as he would have to rent a property for his daughters.
10. There has been no response from the Respondent.

11. There are no issues of reasonableness to prevent an order for eviction being granted.

Decision

12. The Tribunal found that ground 4 has been established and granted an order for eviction in favour of the Applicant.

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.

Gabrielle Miller

10th March 2023

Legal Member/Chair

Date