



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 (Act)

Chamber Ref: FTS/HPC/EV/19/2851

Re: Property at 3/1 4 Ritz Place, Glasgow, G5 0LF (“the Property”)

Parties:

Co-Operative Bank PLC, 1 Balloon Street, Manchester, M60 4EP (“the Applicant”)

Mr Noeman Ageel, Ms Salma Kahn, 3/1 4 Ritz Place, Glasgow, G5 0LF (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member)

Decision (in absence of the Respondent)

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

Background

This is an application for eviction and recovery of possession under Rule 109 of the Tribunal Procedure Rules and Ground 2 of Schedule 3 to the Act.

The Tribunal had regard to the following documents:

1. Application received 11 September 2019;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 14 May 2018;
3. Decree in favour of the Applicant dated 21 July 2017;
4. Notice to Leave dated 4 June 2019;
5. Proof of Service and Delivery of Notice to Leave;
6. Section 11 Notice;
7. Sheriff Office Certificate of Service of Notification of CMD dated 18 October 2019.

Case Management Discussion (CMD)

The case called for a CMD on 18 November 2019. The Applicant was not present but was represented. The Respondents were neither present or represented.

The Tribunal was satisfied that the Respondents had been served with notification of the CMD by Sheriff Officers on 18 October 2019. They were aware that the Tribunal could determine the matter in their absence if satisfied that it had sufficient information to do so and the procedure was fair.

The Tribunal considered the written evidence before it and made the following findings in fact:

1. The Respondents had entered into the PRTA with Paul McGill on 14 May 2018;
2. The Applicant was the heritable/secured creditor of Mr McGill who had obtained court decree entitling it to recover possession of the Property on 21 July 2017;
3. Notice to Leave had been served on the Respondents by Royal Mail on 4 June and collected 11 June 2019;
4. Section 11 Notice had been given to the Local Authority on 9 September 2019;
5. The Applicant intended to sell the Property.

The Tribunal considered the requirements of Ground 2 of Schedule 3 to the Act. It was satisfied that the Applicant had established that it intended to sell the Property and that the statutory requirements to recover possession and for eviction were satisfied.

The Tribunal accordingly granted the order sought.

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.

Alan Strain

18 November 2019

Legal Member/Chair

Date