



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/24/3378

Property : Flat 1/1, 28 Leven Street, Glasgow G41 2JE (“Property”)

Parties

Shaukat Ali, 14 Brent Road, Glasgow G46 8JU (“Applicant”)

Letsbwise Glasgow, 217 Paisley Road West, Glasgow G51 1NE (“Applicant’s Representative”)

Mrs Bahja Said, Flat 1/1, 28 Leven Street, Glasgow G41 2JE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Private Tenancy Agreement which commenced on 1 February 2024; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 8 April 2024 ("Notice to Leave"); sheriff officer certificate of service evidencing service of the Notice to Leave on 8 April 2024; statement of the Applicant noting his intention to live in the Property; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 25 July 2024 and sheriff officer's execution of service certifying service of the Application on the Respondent on 2 April 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 2 July 2025 by teleconference. The Applicant was represented by Mahmood Ullah of the Applicant’s Representative. The Respondent was in attendance and was accompanied by a supporter, Adhum Khan. Mr Ullah told the Tribunal that title to the Property is held by the Applicant and his

mother, Mrs Jamila Begun, who has parkinson's disease. He said that the Applicant intends to live in the Property with his wife and his mother who requires care. He said that the Property has 3 bedrooms and is considerably larger than the house currently occupied by the Applicant.

Mr Khan assisted Mrs Said when required by repeating questions which the Tribunal put to Mrs Said. Mrs Said told the Tribunal that she lives in the Property with her 5 children aged 22, 21, 17, 8 and 6. She said that her two older children are at university and the 17 year old is at college. She said that the younger children are at school. She said there are no health or disability issues in the family that the Tribunal should know about. Mrs Said told the Tribunal that she does not oppose the application and is happy to return the Property to the Applicant. Mrs Said told the Tribunal that she has been in touch with Glasgow City Council homeless department who have told her that they can assist her once an eviction order is granted. She said that she has been making inquiries about alternative accommodation via the Council and in the private rented sector.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 1 February 2024.
2. The Notice to Leave was served by sheriff officer on 8 April 2024.
3. The Applicant intends to occupy the let property as their only or principal home for at least 3 months.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 25 July 2024.

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 Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 4 which is that the Applicant intends to live in the Property. Having considered the statement lodged and the oral submission made on behalf of the Applicant, the Tribunal determined that the ground for eviction had been established.

Having considered all of the circumstances, and in the absence of opposition from the Respondent, 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.

J Devine

**Joan Devine
Legal Member**

Date : 2 July 2025