



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1622

Re: Property at Flat 0/2 1 Clifford Place, Glasgow, G51 1NS (“the Property”)

Parties:

Mr Muhammad Jamil Alam, 155 Littleton Park, Barrhead, Glasgow, G78 2FA (“the Applicant”)

Mrs Shadia Mohamed, Mr Khalid Mehmood, Flat 0/2 1 Clifford Place, Glasgow, G51 1NS (“the Respondents”)

Tribunal Members:

Sarah O'Neill (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that an order for recovery of possession should be granted in favour of the Applicant. The tribunal delayed execution of the order until 11 March 2026.

Background

1. An application was received from the Applicant’s representative on 16 April 2025 under rule 109 of Schedule 1 to the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (‘the 2017 rules’) seeking recovery of the property under Ground 1 (landlord intends to sell) as set out in Schedule 3 of the 2016 Act.
2. Attached to the application form were:
 - (i) Copy private residential tenancy in place between the parties, which commenced on 7 December 2024.

- (ii) Notice to Leave addressed to the Respondents dated 15 January 2025 citing ground 1, and stating the date before which proceedings could not be raised to be 13 April 2025, together with proof of sending by email on 15 January 2025.
 - (iii) Copy notice under section 11 of the Homelessness etc. (Scotland) Act 2003 addressed to Glasgow City Council
3. Further to requests from the tribunal administration, further information was received from the Applicant's representative on 23 May and 15 July 2025. This included:
- (i) a copy of the private residential tenancy agreement between the parties dated 7 December 2024
 - (ii) covering email dated 16 April 2025 sent to Glasgow City Council with the section 11 notice .
 - (iii) a mandate from the Applicant dated 23 May 2025 authorising Almond Letting to act on his behalf in relation to the application.
4. The application was accepted on 1 August 2025.
5. The tribunal issued a direction to the Applicant on 11 November 2025, directing him to provide further information by 4 December 2025. A response to the direction was received on 4 December 2025.

The case management discussion

6. A case management discussion was held by teleconference call on 11 December 2025. Mr Perdiz Ahmed of Almond Letting represented the Applicant. Both Respondents were present on the teleconference call and represented themselves.

Submissions on behalf of the Applicant

7. Mr Ahmed asked the tribunal to grant an eviction order. He confirmed that it remained the Applicant's intention to sell the property for market value, or at least put it up for sale, within 3 months of the Respondents ceasing to occupy it.
8. The tribunal noted that it appeared that the Applicant intended to renovate the property before selling it. Mr Ahmed confirmed this, saying that the property needed a lot of work. The property needs a new bathroom and a new kitchen, and the windows and flooring need to be replaced. There have been a number of leaks from the property above and there are issues with dampness.

9. The tribunal asked whether it would be possible to do all of this work and put the property on the market within 3 months of the Respondents ceasing to occupy it, were the tribunal to grant an eviction order.
10. Mr Ahmed said that the Applicant believed he would be able to do the work straight away once the property was empty.
11. He confirmed that the Applicant does not, to his knowledge, own any other rental properties. He no longer wishes to be a landlord and therefore wishes to sell the property. The property is damp and otherwise in a poor state of repair. This is reflected in the low rent currently paid by the Respondents. He said that the property is also currently overcrowded. It is a two bedroom flat and there are currently six adults occupying it.
12. Mr Ahmed said that Almond Property does have other rental properties available but these are too expensive for the Respondents.

The Respondent's submissions

13. The first Respondent, Mrs Mohamed, said that the Respondents did not dispute that the Applicant was entitled to sell the property, or that he intended to do so. She said that the Respondents would like to stay in the property because the rent was affordable, and other private rented properties are too expensive for them to afford. She acknowledged, however, that the property was damp and in a poor state of repair.
14. She said that the Respondents understood that the property belongs to the Applicant, and that they would have to leave because he wishes to sell it.
15. The Respondents live in the property with their four adult children, who are aged between 19 and 25. Three of the four children are in full time education. Mrs Mohamed has issues with her knee, which can make stairs difficult. Otherwise, no one in the family has any health issues. Both Respondents are currently in employment and do not receive any benefits.
16. The Respondents had taken advice from Shelter, who had told them that they would need an eviction order to be rehoused by the council. They had made applications to four housing associations, and were on waiting lists for these. They had been told that they would need an eviction order before they could be rehoused. Mrs Mohamed confirmed that they understood that they may end up being placed in temporary accommodation for some time before being given anything more permanent.

Findings in fact

17. The tribunal made the following findings in fact:

- The Applicant is the sole owner of the property. He is therefore entitled to sell the property.
- The Applicant is the registered landlord for the property.
- There is a private residential tenancy agreement in place between the parties, which commenced on 7 December 2024. There was, however, a tenancy in place between the parties prior to this, commencing on or around 15 July 2021.
- The Notice to Leave was validly served on the Respondents by email on 15 January 2025. While it was only sent to Mrs Mohamed's email address, the Respondents had confirmed that they had told Almond Property that they were happy for communications to be sent to that address only.
- The Applicant intends to renovate the property, and then sell the property or put it up for sale within 3 months of the Respondents ceasing to occupy it.
- The property is a ground floor flat with two bedrooms.
- The rent for the property is £550 per month.
- The Respondents live in the property with their four adult children, who are aged 19, 20, 21 and 25. The eldest child has recently finished his studies and is looking for work. The other three children are still in further education.
- The Respondents are both in employment and are not in receipt of any benefits.

Reasons for decision

18. The tribunal considered that in the circumstances, it was able to make a decision at the CMD without a hearing as: 1) having regard to such facts as were not disputed by the parties, it was able to make sufficient findings to determine the case and 2) to do so would not be contrary to the interests of the parties.

19. The tribunal considered whether the legal requirements of Ground 1, as set out in Schedule 3 of the 2016 Act (as amended), had been met. Ground 1 states:

Landlord intends to sell

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by subparagraph (1) applies if the landlord—

(a) is entitled to sell the let property, and

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

20. The tribunal determined that as the sole owner of the property, the Applicant is entitled to sell the property.
21. The tribunal then considered whether the Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it. The tribunal noted that the Applicant had produced an email addressed to him from Scottish Property Centre Estate Agents dated 3 December 2025 regarding the sale of the property. The tribunal considers that this is evidence tending to show that the Applicant has the intention set out in sub-paragraph 2(b) of Ground 1.
22. The Respondents had not disputed that the Applicant was entitled to, or intended to, sell the property. The tribunal had regard to the oral evidence of Mr Ahmed and the email from Scottish Property Centre Estate Agents, although it also noted that the Applicant appeared to be planning fairly extensive renovations of the property which may be challenging to complete within 3 months. Having considered all of this, the tribunal determined that on the balance of probabilities, the Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondents ceasing to occupy it.
23. The tribunal reminded Mr Ahmed that a failure to meet the requirements of Ground 1 could result in an application for a wrongful termination order.”

Reasonableness

24. The tribunal then considered whether it was reasonable to make an order for recovery of possession. In doing so, it took into account all of the circumstances of the case.
25. The tribunal noted that the Applicant does not appear to own any other rental properties. It also noted that he no longer wishes to be a landlord, and wishes to renovate and sell the property.
26. The tribunal also took into account the fact that the Respondents appeared to accept that the Applicant had the right to sell the property and that they would have to move out.
27. The tribunal also noted that the property appears to be in need of substantial repair, and that the Respondents and their family are currently living in overcrowded conditions. They are unable to afford another property within the private rented sector, and would therefore benefit from being placed in social housing, although this may take some time. In order to obtain social housing, they have been advised that they will need to obtain an eviction order.
28. Having carefully considered all of the evidence and all of the circumstances of the case as set out above, the tribunal considered that on balance it was reasonable to grant an eviction order. It gave particular weight to the Respondents' lack of opposition to the application, the fact that they are currently living in unsuitable accommodation for their needs and that they have been advised that they need an eviction order to obtain social housing.
29. The tribunal therefore determined that an order for recovery of possession should be granted in favour of the Applicant.
30. Before deciding to grant the order, the tribunal sought the views of both parties on the possibility of delaying execution of the eviction order in terms of rule 16A of the 2017 rules, given the upcoming Christmas period, and to give the Respondents more time to find suitable alternative accommodation.
31. The parties agreed that they were content with a period of three months until the execution of the order. Having taken into account their views, the tribunal considered that it would be reasonable in all the circumstances to delay execution of the order until 11 March 2026.

Decision

The tribunal grants an order in favour of the Applicant against the Respondents for recovery of possession of the property. The tribunal delayed execution of the order until 11 March 2026.

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.

Sarah O'Neill

11 December 2025

Legal Member/Chair

Date