



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/26/1020

Re: Property at 40 Lawers Drive, Bearsden, Glasgow, G61 4LQ (“the Property”)

Parties:

Mr Graeme Smith, Mrs Lesley Anne Smith, Springs 2, Street 13, Villa 18, Dubai (“the Applicants”)

Mr Naveed Fakhar, Mrs Ayesha Rizwan, 40 Lawers Drive, Bearsden, Glasgow, G61 4LQ (“the Respondents”)

Tribunal Members:

Julie McKinlay (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

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

Background

1. By application sent to the Chamber on 4 March 2026 the Applicants sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 15 May 2026 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 30 September 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 30 September 2026 via telephone case conference. The Applicants did not attend but were represented by Mr Robin and Ms Harte from Northwood (Glasgow) Ltd. The Respondents attended and were represented by Ms Dallas of CAB.
4. The Tribunal heard from both parties.
5. The Respondents' representative explained the circumstances of the Respondents. They are joint tenants. Mrs Rizwan is not employed. Last year Mr Fakhar lost his job, and they were surviving on their savings and then were in receipt of Universal Credit. Within two weeks of the transfer to paying rent by Universal Credit the Respondents had received a Notice to Leave. Prior to this they had received no notification that the Applicants intended to live in the Property. Mr Fakhar is now in employment and his probation period ended in July 2026. They are seeking alternative accommodation. They have no savings and as such are looking for a property at a similar level of rent to that which they currently pay. They are registered with the local housing association. They have not been approved for a mortgage although they would hope at some stage to purchase a property.
6. The Respondents have a daughter in her first year of the local secondary school. The Respondents' representative took exception to the language used in the email communications between the Respondents and their agents which along with the timing of the Notice to Leave made them sceptical of the claim that the Applicants intended to reside in the Property.
7. Although initially it appeared that the Respondents were opposed to the granting of the eviction order, their position was ultimately that they were not opposed to the granting of the order but wished for the enforcement to be delayed for a period of six months. Upon receipt of the order CAB will assist them in presenting as homeless to the local authority and this period will allow more time for the local authority to rehouse them. If they are pressured into moving it is likely that they will be relocated to a hotel in another local authority area away from their daughter's school. The Respondents have always paid their rent.
8. The Applicants were opposed to any extension of the period of enforcement of any eviction order granted. They had served a Notice to Leave in June 2025. They had agreed not to seek eviction at that time given the Respondents' circumstances. A new notice was served in October 2025. Rents are only going to go up and make finding alternative accommodation more challenging as time goes on. The Applicants are anxious to return to the UK. Mrs Smith will return with the children when they know that the Property will be available. Mr Smith

will then seek a transfer to the UK with his employer. The Property is their only rental property and was their home prior to their move to Dubai. Their children are teenagers. They cannot apply for placement in schools until the Property is available.

Findings in Fact

9. The Applicants are the registered owners of the property.
10. The Applicants are the landlord and the Respondents the tenants in terms of the private residential tenancy entered into on 24 May 2024.
11. On 29 October 2025 the Applicants served upon the Respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.
12. A notice was served on East Dunbartonshire Council by the Applicants under section 11 of the Homelessness etc (Scotland) Act 2003.
13. The Applicants intend to live in the Property.

Reasons for Decision

14. The Tribunal noted that the eviction was sought under and in terms of ground 4 of schedule 3 of the Act.
15. That ground is in the following terms:

“4. Landlord intends to live in property

- (1) It is an eviction ground that the landlord intends to live in the let property.
- (2) The First-tier Tribunal may find that the ground named by the sub-paragraph (1) applies if -
 - (a) The landlord intends to occupy the let property as the landlord's only or principal home for at least three months,
 - (b) The Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”
16. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the Respondents indicating that the Applicant intended to seek an eviction order based on ground 4.

17. The Tribunal is satisfied that the Applicants intend to live in the Property as their only or principal home for at least three months. The Tribunal accepts the evidence of the Applicants on that matter.
18. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
19. The Tribunal find that it is reasonable to grant the order.
20. The Applicants plan to return from Dubai as soon as the Property becomes available. It was their principal home before they moved to Dubai. Once the Property is available Mrs Smith will return with the children and Mr Smith will seek a transfer of his job. They currently live in Dubai where Mr Smith is employed. They have no other rental properties.
21. The Respondents have a child currently enrolled in the local school. There is no dispute that they have paid rent and there are no issues with their tenancy. They accept that the order for eviction should be granted. However, they seek additional time to find alternative accommodation with the assistance of CAB.
22. The Respondents' child is settled in the local school. CAB will assist the Respondents to find alternative accommodation and to engage with the local authority once the order is granted. It is clear that the local authority will assist in providing accommodation for the Respondents only where the order for eviction is granted. To try and avoid an emergency situation in which the family are moved to a hotel outwith the council area the Respondents seek additional time to work with the local authority to find them a suitable alternative home.
23. No fault attaches to the Respondents in the circumstances which have arisen.
24. In all the circumstances it is reasonable to grant the order.
25. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.
26. At the request of the Respondents the Tribunal consider that it is reasonable to delay the date on which the order for eviction may take effect. This will give time for the Respondents to work with CAB and the local authority to find a suitable alternative home. The Tribunal considered that 6 months was too long in the

circumstances but mindful of the pressures on local authority housing in December the Tribunal consider that a period of 4 months was appropriate. Given that the Applicants are living in Dubai and will require to make arrangements for their relocation back to the UK in any event the Tribunal did not consider this time period to be significantly prejudicial. The Respondents continue to pay rent and arrears are not accruing. The order for eviction will not come into effect until 29 January 2027.

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.

Julie McKinlay

Legal Member/Chair

Date: 30/09/2026