



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/25/4133

Re: Property at 17 Ben Vorlich Place, Glasgow, G53 7WX (“the Property”)

Parties:

Mr Imran Ghafoor, 18 Harvie Street, Glasgow, G77 6LG (“the Applicant”)

Mr Tariq Gondal, Mrs Attua Tariq, 17 Ben Vorlich Place, Glasgow, G53 7WX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act with execution of the order suspended for a period of three months.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 14 July 2026.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant relied upon ground 1 as the ground for possession, stating his intention to sell the property.
- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 14 April 2026 at 2pm by teleconference. The Tribunal gave notice of

the CMD to the parties in terms of Rule 17(2) of the Rules. Said notice was served upon the Respondents by sheriff officers on 24 February 2026 and asked them to submit any written representations in response to the application to the Tribunal no later than 14 March 2026.

The CMD

- 3 The CMD took place on 14 April 2026 at 2pm by teleconference. Mr Ulla of Letsbwise Glasgow Ltd represented the Applicant who did not join the call. Miss Christine McKellar of Govan Law Centre represented the Respondents who did not join the call.
- 4 The tribunal had the following documents before it:-
 - (i) Form E application form;
 - (ii) Land Certificate confirming the Applicant's ownership of the property and proof of the Applicant's landlord registration;
 - (iii) Private residential tenancy agreement between the parties;
 - (iv) Notice to leave and proof of delivery by sheriff officers;
 - (v) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority;
 - (vi) House in Multiple Occupancy exemption declaration;
 - (vii) Email from the Applicant to Letsbwise Glasgow Ltd stating his intention to sell the property;
 - (viii) Written mandate from the Applicant authorising Letsbwise Glasgow Ltd to act as his representative in the Tribunal application;
- 5 The tribunal heard submissions from Mr Ulla and Miss McKellar on the application. The following is a summary of the key elements of the submissions.
- 6 Mr Ulla confirmed that the Applicant sought an eviction order. The Applicant is experiencing financial difficulty and requires to sell the property to assist with this. The property is the only rental property the Applicant owns. The Applicant has instructed the estate agency arm of Letsbwise to market and sell the property on his behalf. The Applicant intends to carry out works to the property, including replacing the kitchen, before placing it on the market. Mr Ulla confirmed that this would be done within three months.
- 7 Miss McKellar referred to written representations that had been submitted in advance of the CMD. Due to an administrative oversight these had not been passed to the tribunal members. The Tribunal clerk located the representations and passed them over to the tribunal and Mr Ulla. Miss McKellar summarised the representations. She advised that the Respondents had intended on defending the application on reasonableness grounds but no longer wished to oppose the application. They were seeking a suspension of execution of the order for a period of 6 months. Miss McKellar outlined the personal circumstances of the Respondents. They have four children, aged 18, 11, 9 and 5. Several of the children have health problems, as do the Respondents. They had rented the property on the understanding that this would be on a long term

basis. They are up to date with their rent. They have applied to the local authority for accommodation. A suspension of 6 months would allow the local authority time to identify a property that will suit their housing needs. Miss McKellar referred to the ongoing housing crisis in Glasgow that would present challenges in sourcing a large enough property for the Respondents and their family. Miss McKellar advised that the Respondents are keen to obtain a secure tenancy given their recent experience in the private rented sector. A friend of the Respondents had offered to purchase the property to allow them to stay there but the Applicant had turned down the offer.

- 8 Mr Ulla explained that he had offered the Respondents two properties which they had declined. He had tried to accommodate them. Mr Ulla was contacted by a member of the homeless team prior to the CMD who had told him the Respondents would be moved on 24 April. Miss McKellar advised this did not reflect the Respondents' understanding of their situation. The Respondents were reluctant to accept another private tenancy and would prefer the security of council housing.
- 9 Mr Ulla confirmed that an offer had been made to purchase the property but the Applicant had not accepted this as it was a cash purchase. He opposed the request for a six month suspension but stated that the Applicant could live with another month or so.
- 10 The tribunal adjourned the CMD to deliberate, at which point the parties left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 11 The Applicant is the owner and landlord, and the Respondents are the tenants, of the property in terms of a private residential tenancy agreement, which commenced on 1 May 2023.
- 12 The Applicant has given the Respondents a notice to leave within the meaning of section 62 of the 2016 Act. The notice to leave includes ground 1.
- 13 The Applicant has given the local authority a section 11 notice at the time of making the application.
- 14 The Applicant is entitled to sell the property as the registered owner.
- 15 The Applicant intends to sell, or market the property for sale, within three months of the Respondents ceasing to occupy. The Applicant has instructed Letsbwise Glasgow Ltd to market and sell the property on his behalf.
- 16 The Applicant is in financial difficulty. The Applicant requires to sell the property to alleviate his financial situation. The Applicant intends to carry out works to the property prior to marketing it for sale.

- 17 The Respondents reside in the property with their four children aged 18, 11, 9 and 5. The Respondents and their children suffer from various health issues.
- 18 The Respondents have applied to the local authority for accommodation. The Respondents wish to secure a council tenancy.
- 19 The Respondents require a property within the catchment area for their childrens' school.
- 20 It is reasonable to make an eviction order provided execution of the order is suspended for a period of three months.

Reasons for decision

- 21 The tribunal was satisfied that it could make relevant findings in fact to reach a decision based on the documentary evidence and submissions at the CMD, and that to do so would not be contrary to the interests of the parties in this case.
- 22 Section 51 of the 2016 Act provides that "*The First-tier Tribunal is to 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.*"
- 23 Section 52 of the 2016 Act goes on to state that "*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.*" The tribunal had before it a copy of a notice to leave in the prescribed which cites ground 1 of schedule 3 of the 2016 Act. The tribunal was also satisfied that the Applicant had sent notice under section 11 of the Homelessness etc (Scotland) Act 2003 to the local authority in accordance with the requirements of section 56 of the 2016 Act.
- 24 The tribunal considered the terms of ground 1, which are contained in paragraph 1 of schedule 3 of the 2016 Act:-

"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 sub-paragraph (1) applies if the landlord—
(a) is entitled to sell the let property,
(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.”

- 25 The tribunal determined that the Applicant is entitled to sell the property as the registered owner and intends to do so within three months of the Respondents vacating. The Respondents had not sought to dispute these facts and the tribunal therefore concluded that paragraphs 1(2)(a) and (b) of schedule 3 of the 2016 Act are met.
- 26 The tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraphs 1(2)(c) of schedule 3 of the 2016 Act.
- 27 The tribunal considered the Applicant's property rights as the heritable owner, and his reasons for selling the property. The tribunal accepted that he requires to sell the property to address his current financial situation.
- 28 The tribunal carefully considered the Respondents' circumstances. The tribunal noted that they no longer seek to defend the application and have had the benefit of legal advice from Miss McKellar before coming to this decision. The issue therefore for the tribunal to consider was whether to exercise its discretion and suspend the execution of the order. The tribunal considered the health difficulties faced by various family members, and the risks associated with eviction as a result. The tribunal accepted that the Respondents want to avoid any disruption to the childrens' education by remaining in the local area where their school is based. The tribunal is aware of the current housing crisis in Glasgow, and the challenges the local authority will face in securing a suitable home for the Respondents' family. However, the tribunal had to balance the competing interests of the parties in this case. The tribunal considered the length of time that had passed since the notice to leave was given to the tenants. Whilst the tribunal accepted that the local authority would require time to find a property given the nature of the Respondents' housing needs, the tribunal also considered that a delay of six months would be overly prejudicial to the Applicant at this stage in the proceedings. The tribunal accepted that given his financial issues, it would be in his interest for the property to be sold at the earliest possible opportunity. Accordingly, the tribunal considered that it would be reasonable and proportionate for execution of the order to be suspended for a period of three months. It is clear from Miss McKellar's submissions that the Respondents are already known to the local authority and the tribunal would hope therefore that plans are already underway to ensure they can be suitably rehoused.
- 29 Accordingly, having carefully considered all the circumstances of this case as they pertain to reasonableness in terms of ground 1, the tribunal concluded that the balance weighed in favour of making an eviction order provided that execution of the order is suspended for a period of three months.

30 The tribunal therefore determined that the provisions of paragraph 1 of schedule 3 of the 2016 Act had been met and made an eviction order under section 51 of the 2016 Act.

31 The decision of the tribunal was unanimous.

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.

Ruth O'Hare

Legal Member/Chair

Date: 14 April 2026