



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1764

Re: Property at 19 Newbattle Road, Carmyle, Glasgow, G32 8DD (“the Property”)

Parties:

Mr Shakeel Ahmed, 52 Albert Road, Glasgow, G42 8DN (“the Applicant”)

Ms Donna Yorke, 19 Newbattle Road, Carmyle, Glasgow, G32 8DD (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the eviction order until 10 July 2026 in terms of Rule 16A(d) of the Procedure Rules 2017.

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A Notice to Leave, evidence of the intention to sell, an affidavit, a tenancy agreement and a section 11 notice were lodged with the application.
2. A CMD took place on 11 November 2025. The Applicant was represented by Mr Haq and Mr Hassan. The Respondent was represented by Ms Simpson.
3. Following the CMD, the Tribunal determined that the application would proceed to an evidential hearing restricted to the issue of whether it would be reasonable to grant the order.

4. The parties were notified that a Hearing would take place at Glasgow Tribunals Centre on 5 May 2026 at 10am. On 1 May 2026, the Respondent's new legal representative sent an email to the Tribunal which stated that the parties had reached an agreement about the application and that the order was no longer opposed, subject to the qualification that the Tribunal would be asked to delay enforcement of the order until 10 July 2026. An email was also received from the Applicant's representative confirming their agreement.
5. The Tribunal converted the hearing to a teleconference hearing which took place on 5 May at 10am. The Applicant was represented by Mr Hassan. The Respondent was represented by Ms Fidelo.

Summary of Discussion at CMD

6. The Tribunal noted that the parties had agreed that the eviction order should be granted with enforcement delayed until 10 July 2026. Mr Hassan confirmed that the Applicant's circumstances remain unchanged. He is residing with a family member, but the house is overcrowded, and he requires to sell the property in order to purchase a property suitable for his own needs. He is in ill health. Ms Fidelo told the Tribunal that the Respondent has made a homeless application to both Glasgow City Council and South Lanarkshire Council and has been advised by both that she will be provided with temporary accommodation and then re-housed. She is currently struggling to meet the rent charge for the property and would prefer to be accommodated in the social rented sector as it is more affordable. The delay in enforcement is sought to allow her children to finish the school year at their current school with a move to local authority accommodation taking place during the summer holidays.

Findings in Fact

7. The Applicant is the owner and landlord of the property.
8. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
9. The Applicant intends to sell the property to purchase a property to live in which meets his current needs. He currently resides with a family member but requires to leave that accommodation due to overcrowding.
10. The Applicant served a Notice to Leave on the Respondent on 9 January 2025.
11. The Respondent resides at the property with two teenaged children.
12. The Respondent does not oppose the eviction order and expects to be accommodated by a Local Authority.
13. The Respondent requires additional time to be provided with temporary accommodation by the Local Authority and to allow her children to complete the

school year at their current school.

14. The Applicant does not oppose a delay in enforcement until 10 July 2026.

Reasons for Decision

15. The application was submitted with a Notice to Leave dated 9 January 2025 together with a copy of an email which establishes that the Notice was sent to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
16. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
17. Ground 1 of schedule 3 (as amended) states, “(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.”
18. From the documents submitted and the information provided at the CMD and Hearing, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.
19. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
- (a) The Respondent no longer opposes the application. She has made homeless applications to two Local Authorities which have been accepted. She is struggling to afford the rent for the property.
 - (b) The Applicant requires to sell the property to fund the purchase of a property for himself to live in. He has no other accommodation available to him and is currently staying with a family member, in overcrowded conditions.
20. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act that ground 1 has been established. For the reasons outlined in paragraph 19 the Tribunal is also satisfied that it would be reasonable to

grant the order for eviction.

21. The parties invited the Tribunal to order a delay in execution of the eviction order until 10 July 2026 in terms of Rule 16A(d) of the Procedure Rules 2017. The Tribunal is satisfied that it would be appropriate to make this order.

Decision

22. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

Date: 5 May 2026

Josephine Bonnar