



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

Chamber Ref: FTS/HPC/EV/25/4894

Re: Property at 32 Clovenstone Gardens, Edinburgh, EH14 3HY (“the Property”)

Parties:

Mrs Sanah Iqbal, 38 Clovenstone Gardens, Edinburgh, EH14 3HY (“the Applicant”)

**Ms Kathleen Demi Moohan, 32 Clovenstone Gardens, Edinburgh, EH14 3HY
 (“the Respondent”)**

Tribunal Members:

Robert MacDonald (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

Background

1. This is an application dated 13th November 2025 for an Eviction Order under Section 51 of the 2006 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedure) 2017 (“The Rules”). The Applicant relied upon ground 4 of Schedule 3 of the 2016 Act as the ground for eviction, namely that the Applicant intended to occupy the let property as her only or principal home for at least three months.
2. The application was accepted by the Tribunal as valid and referred to a Tribunal for determination. The Case Management Discussion (“CMD”) was set down to take place on 17th June 2025 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Service of notice of the hearing was carried out the on the Respondent by Sheriff Officer by way of letterbox service on 14th May 2026.

3. The CMD took place on 17th June 2026 at 10am. The Applicant and her representative Mrs Zarina Singh from APM Lettings were present on the call. There was no appearance on or behalf of the Respondent.
4. The Tribunal had the following documents before it:-
 - a. Form E application form;
 - b. Copy Land Certificate confirming that the property was owned by the Applicant and her mother Naseem Iqbal;
 - c. Letter of authority by Mrs Iqbal;
 - d. A copy of the private residential tenancy agreement between the parties;
 - e. A copy of the Notice to Leave;
 - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003;
 - g. Medical reports detailing the Applicant's health issues;
 - h. Supporting statements by the Applicants parents and brother.
5. The Tribunal heard submissions from the Applicant's representative and from the Applicant herself.
6. The Applicant advised the Tribunal that she wished to move into the property to live there in the long term. Since May 2025 she had lived with her mother who lived a few doors down on the same street. Her and her husband were forced to live apart because there was insufficient room at her mother's house for him. She had health issues which were set out in detail in the medical reports lodged on her behalf, which included mobility issues and potential seizures. She was unable to work or drive. Her husband was self-employed. The property would provide adequate accommodation for her and her husband. It had a room for a carer if that was required. She advised the Tribunal that she hoped this would be her house in the long term and that she would like to start a family there. Neither her nor her husband owned any other property. The property was owned by her and her mother jointly. She confirmed that the tenant had lived in the property for about four years. She understood that the tenant had three children two of whom were at high school and one was at primary school. The younger child she understood was autistic. She had a partner.
7. The Applicants representative Mrs Singh had been involved in managing the tenancy. She advised the Tribunal that tenant has known for some time that the Applicant wanted to move into the property. Previous notices had been served on her prior to the notice to leave which was relied on in these proceedings. Mrs Singh advise the Tribunal that she had not been in the property for perhaps two years. At that stage there had been a fire in a shed adjacent to the property which had caused damage to the outside of the property, and the shed itself. She said that rent was paid regularly through the Respondents Universal Credit payment. She had had recent discussion with the Respondent who had advised

that they were waiting for an eviction order to be granted to allow the local authority to rehouse them.

8. The Tribunal adjourned the CMD to deliberate outwith the presence of the Applicant and her representative. After a brief adjournment the Tribunal resumed the CMD and confirmed the outcome.

Findings in Fact and Law

9. The Applicant is the joint owner of the property in terms of a Land Certificate reference MID190719. The Applicant is the landlord, and the Respondent is the tenant of the property in terms of a private residential tenancy agreement entered into on 3rd March 2022.
10. The Applicant sent a Notice to Leave as defined by Section 62 of the 2016 Act to the Respondent by email on 24th July 2025. In terms of the Notice, the Respondent was advised that an application to the Tribunal would not be submitted prior to 19th October 2025. The Respondent received the Notice to Leave.
11. A Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicant to Edinburgh Council on 11th November 2025.
12. The Applicant suffers from poor health and mobility issues and has lived with her mother since May 2025.
13. The Applicant's mother's house does not provide suitable accommodation for her in the long term.
14. The Applicant and her husband have been unable to live together for the last year because they do not have suitable accommodation.
15. The Applicant and her husband wish to move into the property to allow them to live together and to start a family.
16. The Applicant relies on her mother for assist as a result of her health conditions and her mother lives close to the property.
17. The property would provide adequate accommodation for the Applicant and her husband and potentially a carer if necessary.
18. Neither the Applicant nor her husband own any other property.
19. The Applicant intends to occupy the Let property as her only or principal home for at least three months.

20. The Respondent resides in the property with three children two of whom are in secondary school and one at primary school.
21. The Respondent's rent is paid on time via Universal Credit.
22. The Applicants representative had offered to show two other potential properties to rent to the Respondent who had not taken her up on the offer.
23. The Respondent had indicated to the Applicants representative that she was waiting for an order from the Tribunal to allow the local authority to rehouse her.
24. The Respondent was not present at the CMD.
25. The Respondent had not lodged a submission with the Tribunal.
26. The Respondent had not opposed the application.
27. In all the circumstances the Tribunal was satisfied that it was reasonable to make an Eviction Order.

Reasons for Decision

28. The Tribunal was satisfied having considered all the documentary evidence before the Tribunal and the submissions from the Applicant and her representative that it has sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The Tribunal accepted the documentary evidence and the submissions made.
29. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a Notice to Leave on the tenant and intimation to the Local Authority.
30. The Tribunal was satisfied that the Applicant wished to live in the property as her only or principal home for a period of at least 3 months.
31. The Tribunal considered the Respondent's circumstances insofar as they were known to the Tribunal. The Respondent had chosen not to oppose the application.
32. The Tribunal considered whether it was reasonable to make an order in account of the information available to it which required the Tribunal to identify the facts

relevant to issues of reasonableness and thereafter determine how much weight should be applied to these facts. The Tribunal attached considerable weight to the fact that the Applicant had health issues, that she was living in accommodation which didn't adequately meet her needs and which prevented her from cohabiting with her husband. The Tribunal also attached considerable weight to the fact that the Respondent did not oppose the application.

33. Having considered the facts relevant to reasonableness, the Tribunal considered that it was reasonable for an order for eviction to be granted. The Tribunal was satisfied that the provisions of paragraph 1 of Schedule 4 of the 2016 Act had been met in this case.

34. The decision of the Tribunal was unanimous.

Decision

35. The Tribunal granted 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.

Robert MacDonald

17/06/2026

Legal Member/Chair

Date