

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/0533

Re: Property at 159 Skipness Drive, Glasgow, G51 4JU (“the Property”)

Parties:

Mr Stewart Montgomery, 38 Osprey Road, Paisley, PA3 2QH (“the Applicant”)

Mrs Sobia Syiam, Mr Syiam Muhammad Iqbal, 159 Skipness Drive, Glasgow, G51 4JU (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Second Named Respondent)

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

Background

1. On 2nd February 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Private Residential Tenancy Agreement commencing 16th January 2020
 - ii. Copy Notice to Leave dated 8th September 2025;
 - iii. Proof of Service of the Notice to Leave;
 - iv. Section 11 Notice and proof of service;
3. The Application was served on the Respondent by Sheriff Officers on 9th July 2026.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference on 12th August 2026. The Applicant was represented by Mr Ullah of LetsB Wise Glasgow Ltd, letting Agents. The First Named Respondent was represented by Ms Petrescu of Govan Law Centre. The second Named Respondent did not appear and was not represented.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules.
6. Mr Ullah said that he had been contacted by Govan Law Centre and after discussion the Respondents were agreeing to the order being granted and the Applicant was agreeable to the order being suspended for a period of twelve weeks. He confirmed that 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. The Applicant had a small portfolio, and he has sold all his properties, with this being the last one he still owns.
7. Ms Petrescu explained that the Respondents are together and they live in the property with their four children, aged 10, 9, 5 and 2. They are not opposed to the order, but the local authority cannot do anything about rehousing them until an order for eviction is granted. The Respondents are seeking the extension of the time period as it is unlikely that suitable accommodation will be found for the family in four weeks.

Findings in Fact

- a. The parties entered in to Private Residential Tenancy commencing 16th January 2020 and with an initial rent of £675 per month;
- b. A Notice To Leave, dated 8th September 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Application was served on the Respondent by Sheriff Officer on 9th July 2026;
- e. The Applicant owns the property;
- f. 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;
- g. The Respondents do not oppose the order being granted.

Reasons for Decision

8. Ground 1 of Schedule 3 of the Act states as follows:

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)—

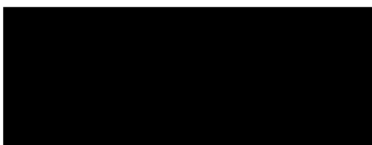
(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(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.

9. The Tribunal is satisfied that the ground of eviction has been met. The Tribunal is also satisfied that it is reasonable to grant the eviction order as it is not opposed by the Respondents. The Tribunal also considers it was reasonable to suspend the order for a period of twelve weeks as the parties have agreed this.

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.



Legal Member/Chair

12.08.26

Date