



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act')**

**Chamber Ref: FTS/HPC/EV/26/1481**

**Re: Property at 19 Duart Street, Glasgow, G20 0EG ("the Property")**

**Parties:**

**Mr Dastan Kamil, 19 Ness Street, Glasgow, G33 2QP ("the Applicant")**

**Ms Dalia Othman Aziz, 19 Duart Street, Glasgow, G20 0EG ("the Respondent")**

**Tribunal Members:**

**Hilary Macandrew (Legal Member) and Elaine Munroe (Ordinary Member)**

**Decision ;**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Eviction Order be granted.**

**1) Background**

- 1.1 By Application dated 6th April 2026 the Applicant sought an order under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 29<sup>th</sup> April 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 11<sup>th</sup> August 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-
  - Private Rental Tenancy agreement
  - Notice to Leave ('NTL') and proof of service

- Section 11 Notice
- Affidavit by the Applicant

1.5 A Case Management Discussion was set to take place on 23 September 2026. Intimation was given to the Respondent by Sheriff Officers on 11 August 2026.

## **2) The Case Management Discussion ('CMD')**

2.1 The CMD took place by tele conference on 23rd September 2026. The Applicant was represented by Mr Devlin of Clarity Simplicity Solicitors. The Applicant took part. The Respondent took part.

2.2 The Applicant sought the Eviction Order based on Ground 4 of Schedule 3 of the Act, namely that the Applicant wishes to live in the property.

2.3 Mr Devlin explained that the property is a one bedroom flat. The Private Residential Tenancy agreement commenced on 1<sup>st</sup> November 2022. The Landlord named in the tenancy subsequently sold the property with the Respondent in occupation. The Applicant purchased the property subject to the tenancy and with the Respondent in occupation on 20<sup>th</sup> December 2024..

2.4 The Applicant is seeking recovery of possession as he wishes to live in the property. Mr DevLin explained that the Applicant is married and intends to live in the property with his wife as his main residence. His wife is currently living in England until the property is vacant. At that time she and the Applicant will move into the property and live there as a family home. The Applicant has been living with a friend. The friend has also married and it is unreasonable to expect the friend and his wife to accommodate the Applicant. The property is the only home the Applicant owns.

2.5 The Respondent stated she understood from the terms of the original tenancy that she could remain in the property until 2028. She accepts that the property has been sold to the Applicant with the tenancy in place and understands his reason for seeking eviction. She is not opposing the Application. She has two children living with her. She has paid rent timeously. She has applied for housing privately and to the local authority. She has been told by the Local Authority that they will not rehouse her until she has an Eviction Order from the Tribunal

2.6 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at a CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

## **3) Findings in Fact and Law**

- 3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 1 November 2022.
- 3.2 On 12th December 2025 the Applicant served Notice to Leave on the Respondent under Ground 4 of Schedule 3 to the Act. The Notice to Leave became effective from 7<sup>th</sup> March 2026. The Notice was correctly drafted and provided sufficient Notice.
- 3.3 The Applicant wishes to live in the property as his main home. It is the sole property he owns. He has married since he purchased the property. He and his wife are currently living separately. They wish to establish a family home in the property.
- 3.4 The Respondent does not oppose the Application. She is actively seeking alternative housing for herself and two children. She requires an Eviction Order for her local authority housing application to be considered.
- 3.5 The basis for the Order for possession was accordingly established.

#### **4) Issue For The Tribunal**

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. He has demonstrated a need for living in the property. The Respondent does not oppose the Application. She is actively seeking alternative housing and requires the Eviction Order.
- 4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

#### **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.**

**H Macandrew**

**23rd September 2026**

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**Legal Member/Chair**

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**Date**