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/26/2230

Re: Property at 30 Braidholm Road, Giffnock, East Renfrewshire, G46 6HS ("the Property")

Parties:

Revie Enterprises Ltd, 227 West George Street, Glasgow, G2 2ND ("the Applicant")

Mrs Sabrina Bashir, Mr Sajjad Bashir, Ms Shamshad Bashir, 30 Braidholm Road, Giffnock, East Renfrewshire, G46 6HS ("the Respondents")

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Tribunal determined that it was reasonable to suspend enforcement of the order until 1 April 2027.

Background

1. By application dated 18 May 2026 the applicant seeks an order for eviction on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
   - Copy tenancy agreement
   - Notices to leave with proof of service

- Letter of engagement with Temple & Co Solicitors
- Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003

3. A case management discussion ("cmd") was assigned for 8 October 2026.
4. In advance of the cmd the respondents lodged written submissions, correspondence with East Renfrewshire Council, correspondence with letting agents and medical evidence relating to Shamshad Bashir.

Case management discussion – 8 October 2026- teleconference

5. The applicant was represented by Ms Mullen, TC Young solicitors. Sabrina and Sajjad Bashir were in attendance. They confirmed that they attended as representatives of Shamshad Bashir, Sajjad Bashir's mother.
6. Ms Mullen sought an order for eviction. She stated that in light of the information disclosed in the written submissions, her secondary position if an order was not granted was to offer a period of time before the order was enforced to allow the respondents to secure alternative accommodation.
7. Mrs Bashir advised that she and Mr Bashir resided with Shamshad Bashir, Mr Bashir's mother who is 86 years old. They also reside with their 4 children. She stated that the family had been trying to secure alternative accommodation to rent without success. She stated that there was a lack of suitable accommodation of sufficient size for the family in their preferred area. She stated that the family had accepted that they would require to secure alternative accommodation however the issue was that they required more time to find somewhere suitable.
8. The Tribunal adjourned for a short time to allow the respondents to consider their position in relation to the applicants offer relating to suspending enforcement if the order was not opposed. The Tribunal took time to ensure that the respondents were aware that it was open to them to seek to defend the application.
9. After considering their position, Mrs Bashir stated that the respondents would not oppose the application if an extended period was allowed before enforcement to allow the respondents to make alternative arrangements. She proposed a 6 month suspension until April 2027. The Tribunal again took time to ensure that the respondents were aware that it was open to them to defend

the application should they so wish. They were clear that they did not seek did not wish to defend the application.

10. Ms Mullen advised that the applicants would consent to suspension of enforcement until 1 April 2027.

Findings in fact and law

11. Parties entered into a private rented tenancy agreement with a commencement date of 21 November 2024.
12. Rent payable under the tenancy agreement is £2,500 per month.
13. The applicant is the owner of the property.
14. The applicant intends to sell the property.
15. The respondents have been actively seeking alternative accommodation.
16. There are 3 adults and 4 children in the respondents' household.
17. The respondents do not seek to oppose an order being granted however they seek a suspension of enforcement until April 2027.
18. The applicant has no objection to enforcement being suspended until 1 April 2027.

Reasons for decision

19. Rule 17 (4) states:

> *The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

20. Rule 18 states:

Power to determine the proceedings without a hearing

18.*—(1) Subject to paragraph (2), the First-tier Tribunal—*

(a)may make a decision without a hearing if the First-tier Tribunal considers that—

(i)having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii)to do so will not be contrary to the interests of the parties; and

(b)must make a decision without a hearing where the decision relates to—

(i)correcting; or

(ii)reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

21. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

22. Ground 1 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.

(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.

23. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondents.

24. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against

25. The Tribunal noted that the respondents did not seek to oppose the order and in those circumstances found that it was reasonable to grant the order.

26. In relation to the respondents' request to vary the date of execution to allow for an extended period to secure alternative accommodation, the Tribunal noted

that Ms Mullen stated that the applicant consented to suspension until 1 April 2027 and in those circumstances the Tribunal determined it reasonable to allow the agreed suspension.

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.

Mary-Claire Kelly

_____ **8 October 2026_____**

Legal Member/Chair **Date**