



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber)**

**Chamber Ref: FTS/HPC/EV/23/4382**

**Re: Property at Flat 0/3, 53 Greenhill Road, Rutherglen, Glasgow, G73 2ST  
("the Property")**

**Parties:**

**Mr Edward Borton, 72 William Morris Way, Swindon, SN25 2PT ("the  
Applicant")**

**Mr Muhanad Ahmed, Flat 0/3, 53 Greenhill Road, Rutherglen, Glasgow, G73  
2ST ("the Respondent")**

**Tribunal Members:**

**Virgil Crawford (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the  
Tribunal") determined that**

**BACKGROUND**

1. The Applicant previously let the Property to the Respondent. The lease was signed but not dated. The start date of the tenancy was 5<sup>th</sup> December 2022.
2. The Property is subject to a standard security in favour of Clydesdale Bank Plc – now trading as Virgil Money. Clydesdale Bank Plc – now trading as Virgin Money - had previously provided permission to the Applicant to let the Property.
3. Clydesdale Bank – now trading as Virgin Money – subsequently withdrew permission to let the Property. In the circumstances, the Respondent was no longer authorised to lease the Property to the

Respondent and decided he would resume occupation of the Property himself.

4. A notice to leave was served upon the Respondent. This intimated that the Applicant wished vacant possession as he intended to occupy the Property himself.
5. A Notice in terms of the s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
6. The Applicant subsequently presented an application to the Tribunal seeking an eviction order. His application to the Tribunal made reference to Ground 4 (Applicant intends to occupy the Property) and Ground 12 (rent arrears).

### **THE CASE MANAGEMENT DISCUSSION**

7. Both parties participated personally in the case management discussion.
8. The Applicant confirmed he was seeking an order for eviction. Upon being questioned by the Tribunal he accepted the Notice to Leave served upon the Respondent did not make reference to rent arrears and, in the circumstances, he accepted that the Tribunal could only consider the grant of an eviction order under Ground 4 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
9. The Respondent advised that he did not oppose the application. He has been actively seeking alternative accommodation. He is of the view that, if he is allowed a further 4 to 6 weeks, he will be able to secure alternative accommodation.
10. In the circumstances, given the reason for the application and the consent of the Respondent the Tribunal granted an eviction order.

### **DECISION**

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 4 of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 15<sup>th</sup> July 2024

### **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.**

Virgil Crawford

**07 June 2024**

\_\_\_\_\_  
**Legal Member/Chair**

\_\_\_\_\_  
**Date**