



**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**

**Chamber Ref: FTS/HPC/EV/23/3531**

**Re: Property at 30 Belleisle Street, Flat 0/1, Glasgow, G42 8HJ (“the Property”)**

**Parties:**

**Mr Omer Abdullah, 30 Belleisle Street, Flat 2/2, Glasgow, G42 8HJ (“the Applicant”)**

**Mrs Amna Taimoor, Mrr Mohammad Irfan Taimoor, 30 Belleisle Street, Flat 0/1, Glasgow, G42 8HJ; 30 Belleisle Street, Flat 0/1, Glasgow, G42 8HJ (“the Respondents”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision (in absence of the Respondents)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondents from the property.**

**Background**

1. By application dated 4 October 2023 the Applicant applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 4 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant submitted a copy of a Notice to Leave and an email to the Respondents attaching the Notice to Leave in support of the application.
2. Following further correspondence between the Tribunal administration and the Applicant the Applicant submitted a copy of a tenancy agreement a Section 11 Notice, together with other documents in support of the application.

3. By Notice of Acceptance dated 4 January 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers.
5. By email dated 14 March 2024 the Respondents’ representative Mrs Maureen Smith of Castlemilk Law Centre submitted written representations to the Tribunal.
6. By email dated 27 March 2024 the Respondents’ representative submitted three Inventories of Productions to the Tribunal.
7. By email dated 28 March 2024 the Applicant’s representative Mrs Shabeilla Saddiq submitted written representations in response to the Respondents’ Defences together with an Inventory of Productions.
8. A Case Management Discussion was held by teleconference on 5 April 2024. The Applicant was represented by Mrs Shaddiq. The Respondents were represented by Mrs Smith and attended with her.
9. After dealing with certain preliminary issues the Tribunal determined that the application should proceed to a hearing and noted the issues to be determined were :
  - a) Was the Notice to Leave dated 28 June 2023 served on the Respondent correctly?
  - b) Is it reasonable to grant the order for eviction?
10. By email dated 5 August 2024 the Respondents’ representative advised the Tribunal that the Respondents were no longer opposing the application.

### **The Hearing**

11. An In-person Hearing was held at Glasgow Tribunals Centre on 6 August 2024. The Applicant attended in person and was represented by Mrs Saddiq. The Respondents did not attend nor were they represented. In light of the terms of the Respondents’ representatives’ email of 5 August 2024 the Tribunal determined to proceed in the Respondents’ absence.
12. The Tribunal noted that the Respondents were no longer opposing the application and queried with Mrs Saddiq if it was her position that this being the case the Tribunal should accept that the Notice to Leave had been properly served. Mrs Saddiq confirmed that was her position given the terms of the email submitted and given that the application was no longer opposed.
13. The Tribunal then went on to consider whether it would be reasonable to grant the order sought. Mrs Saddiq advised the Tribunal that as the

Respondents remained in the property the Applicant had once again postponed his wedding that had been due to take place in June 2024. Mrs Saddiq confirmed that arrangements had been made with the wedding venue, Radstone Hotel, to rearrange the wedding for later in the year and produced a copy of an invoice from the hotel confirming the booking although the actual date had still to be fixed. Mrs Saddiq explained that the Applicant wished to move into the property with his wife as the property was located in the same block as his parents' home and he wished to remain close to them. Mrs Saddiq also explained that the Applicant although now in employment as a software engineer did not have sufficient employment history to be able to obtain a mortgage to purchase another property.

14. In response to a query from the Tribunal Mrs Saddiq said that neither she nor the Applicant had any contact with the Respondents. Mrs Saddiq believed the Respondents had been looking for alternative accommodation and from the Respondents' representatives' email of 5 August it was apparent that they had been in communication with the Local Authority. The Applicant said that he thought the Respondents had three teenage children living with them in the property but was uncertain of their actual ages. The Applicant confirmed the Respondents' rent was paid up to date.

15. Mrs Saddiq submitted it was reasonable that the application be granted.

### **Findings in Fact**

16. The Respondent commenced a Private Residential Tenancy of the property on 15 December 2021.

17. A Notice to Leave under Ground 4 of Schedule 3 of the 2016 Act was served on the Respondent on 28 June 2023.

18. A Section 11 Notice was sent to Glasgow City Council on 16 October 2023.

19. The Applicant intends to get married and move into the property once he obtains vacant possession.

20. The Applicant is unable for financial reasons to purchase another property.

21. The property is located close to the Applicant's wider family members' home.

22. The Respondents have withdrawn their opposition to the order being granted.

23. The Respondents live in the property with their three sons.
24. The Respondents' rent is paid up to date.
25. The Respondents have applied to Glasgow City Council for accommodation.

### **Reasons for Decision**

26. It was previously agreed by the parties' representatives at the CMD held on 5 April 2024 that notwithstanding any confusion in the terms of the tenancy documentation issued by the Applicant a valid Private Residential Tenancy was created on 15 December 2022.
27. It was also accepted that proper intimation of the proceedings was sent to Glasgow City Council by way of a Section 11 Notice on 16 October 2023.
28. The Tribunal was satisfied from the documents produced and the oral submissions made on behalf of the Applicant together with the fact that the Respondents were no longer opposing the application that a valid Notice to Leave had been sent by email to the Respondents on 28 June 2023.
29. The Tribunal was satisfied from the Applicant's evidence and Mrs Saddiq's submissions that it was the Applicant's intention to move into the property once he obtained vacant possession and to use the property as home for himself and his wife to be.
30. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted that the Respondents were no longer opposing the application and had not attended the hearing nor were they represented. The Tribunal was satisfied from the Applicant's evidence and Mrs Saddiq's submissions that the Applicant was unable to afford to buy another property and that it was important for him to live close to his family. The Tribunal had little information before it as regards the Respondents current circumstances but considered that the fact that they no longer wished to oppose the application to be significant. The Tribunal also noted that in the recent email it was suggested that the Respondents application to the Local Authority for housing would only be given priority once the Tribunal issued an order for their eviction.

31. After carefully considering the circumstances of both parties insofar as could be ascertained the Tribunal was persuaded that the needs of the Applicant in this application were such that although there would undoubtedly be an adverse impact on the Respondents and their family it was reasonable to grant the order.

### **Decision**

32. The Tribunal finds the Applicant entitled to an order for the eviction of the Respondents from 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.**

**Graham Harding  
Legal Member/Chair**

**6 August 2024  
Date**