



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/24/3037

Re: Property at 3/1, 95 Kilmarnock Road, Glasgow, G41 3YR (“the Property”)

Parties:

Mr Edward Tweedie, Mrs Elaine Tweedie, 11 Deaconsbank Avenue, Glasgow, G46 7UN (“the Applicants”)

Mr Nasir Ashfaq, Ms Denisa Milac, 3/1, 95 Kilmarnock Road, Glasgow, G41 3YR (“the Respondents”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (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 Respondent from the property.

Background

1. By application dated 2 July 2025 the Applicants’ representative, Mr John Greenfield, Paisley, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicants’ representative submitted a copy of a tenancy agreement, Notice to Leave with execution of service, Section 11 Notice and a letter of appointment by selling agents together with other documents in support of the application.
2. By Notice of Acceptance dated 26 August 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondents by Sheriff Officers on 23 January 2025.

The Case Management Discussion

4. A CMD was held by teleconference on 5 March 2025. Following a short delay due to the Applicants' representative confusing the date of the CMD the Applicant Mr Edward Tweedie and his representative Mr John Greenfield attended in person. The Respondents did not attend nor were they represented.
5. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 1 December 2021 at a rent of £500.00 per calendar month. Mr Greenfield advised the Tribunal that the Respondents were currently one month in arrears with their rent.
6. The Tribunal also noted that the Respondents had been served with a Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act by Sheriff Officers on 2 April 2024 and that a Section 11 Notice had been sent to Glasgow City Council by email on 27 June 2024. The Tribunal further noted that the Applicants had instructed HSTN Property Sourcing Ltd to market the property for sale.
7. Mr Greenfield advised the Tribunal that the Respondents had contacted local housing associations for accommodation and were looking to move. He advised the Tribunal that the Respondents had two children living in the property with them, one aged six years and another aged about three years.
8. In response to a query about the Applicants' circumstances, Mr Tweedie explained that the mortgage over the property had increased in recent years to £642.00 per month but the rent was still £500.00 per month. Mr Tweedie said that in addition he had to pay factor's fees, maintenance costs, gas safety certificate cost and other costs associated with the property and that this was draining his pension and it was no longer viable to rent the property. Mr Tweedie went on to say he was in the process of selling his remaining let properties and had intended to sell the property when he reached the age of 60 and he was now aged 62.

Findings in Fact

9. The Respondents commenced a Private Residential Tenancy of the property on 1 December 2021.
10. A Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act was served on the Respondent on 2 April 2025.
11. A Section 11 Notice was sent to Glasgow City Council on 27 June 2025.

12. The Applicants mortgage on the property costs £642.00 per month.
13. The rent received for the property is £500.00 per month.
14. The Respondents are one month in arrears with their rent.
15. The Applicants incur other costs in respect of the property including factor's fees and maintenance costs and annual gas safety costs.
16. The Applicants are in the process of selling their portfolio of properties due to rising costs and as part of their retirement plans.
17. The Applicant has instructed HSTN Property Sourcing Ltd to market the property for sale.
18. The Respondents lives in the property with their 6-year-old and 3-year-old children.
19. The Respondents have contacted local housing associations for alternative accommodation.

Reasons for Decision

20. The Tribunal was satisfied from the documents submitted and the oral submissions of Mr Greenfield and Mr Tweedie that the parties entered into a Private Residential tenancy that commenced on 1 December 2021. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 1 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Glasgow City Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the oral submissions that the Applicants intend to use HSTN Property Sourcing Ltd to market the property for sale.
21. 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 took account of the fact that despite being given an opportunity to submit written representations to the Tribunal and to attend the CMD the Respondents had chosen to do neither. The Tribunal took account of the fact that the Respondents had two young children living with them in the property and it was important that their housing needs be met. It did seem however that the Respondents had been actively seeking alternative accommodation and had applied for housing from local housing associations. The Applicants were incurring substantial losses each month from the continued renting of the property and the Tribunal was satisfied that it was not viable for the Applicant to continue to sustain the

ongoing negative impact on their finances. The Tribunal also took into account the fact that the Respondents were one month in arrears of rent. The Tribunal was satisfied that on balance it was reasonable to grant an order for the eviction of the Respondents from the property after the normal period of 30 days had passed.

Decision

22. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for the eviction of the Respondent from the property but not before 7 April 2025.

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**

**5 March 2025
Date**