

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 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/24/3527

Re: Property at Flat 0/3, 145 Holmlea Road, Glasgow, G44 4AF (“the Property”)

Parties:

Mr Vaseem Haq, 73 Ashmore Road, Glasgow, G44 3DD (“the Applicant”)

Mr Ashfaq Hussain, Flat 0/3, 145 Holmlea Road, Glasgow, G44 4AF (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that the order may not be enforced until 1 October 2025.

Background

[2] The Applicant seeks an Eviction Order under Section 33 of the Act. The Application is accompanied by a copy of the relevant tenancy agreement; the relevant notice under Section 33 of the Act; the relevant notice to quit; the relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 and proof of service.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 31 March 2025. The Applicant was represented by Mr Haq. The Respondent was represented by Ms Brooks, solicitor from Govan Law Centre. Parties had lodged a joint set of representations in advance of the CMD stating that parties had reached a

settlement and that parties both wished the Tribunal to grant the Application and make an Eviction Order but subject to it not being enforceable until 1 October 2025.

[4] Despite the settlement, The Tribunal still asked questions to establish the relevant circumstances of the parties. Having done so, the Tribunal made the following findings in fact.

Findings in Fact

- I. The Applicant let the Property to the Respondent by virtue of a Short-Assured Tenancy within the meaning of the Act;*
- II. The Applicant competently ended the tenancy by competently serving a notice under Section 33 of the Act and a notice to quit;*
- III. The Applicant has served the requisite notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- IV. The Applicant wishes to sell the Property.*
- V. The Respondent is agreeable to leaving the Property and has been given legal advice.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal found that the tenancy had been validly ended under Section 33 of the Act and that it was reasonable to make an Eviction Order. The Tribunal therefore granted the Application but subject to the condition that it may not be enforced until 1 October 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.

Andrew McLaughlin

Legal Member/Chair

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31 March 2025
Date