

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("The Act")

Chamber Ref: FTS/HPC/EV/25/0879

Re: Property at 1/2, 21 St Andrews Crescent, Glasgow, G41 5SB ("the Property")

Parties:

Ms Suman Barhaya, 2A Heathside Close, Northwood, HA62EQ ("the Applicant")

Ms Carol Cowan, 1/2, 21 St Andrews Crescent, Glasgow, G41 5SB ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Angus Lamont (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order on the provision that the order may not be enforced until 6 August 2025.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 25 June 2025. The Applicant was represented by her brother, Mr Barhaya. The Respondent was represented by Ms Walker of Govan Law Centre. Neither party had any preliminary matters to raise. Ms Walker explained that the Respondent was

content for the Tribunal to grant the Application but wished the Tribunal to delay the date by which any order made could be enforced. The Respondent had found alternative accommodation but had not yet received the keys. After some discussion, both parties indicated that they would be content with the Tribunal allowing an extra period of 2 weeks in addition to the standard 4 weeks before any order could be enforced.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the property to the Respondent initially by virtue of an Assured Tenancy and then by a Private Residential Tenancy Agreement which commenced on 25 September 2019.*
- 2) *The Applicant now wishes to sell the Property.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent is content to leave the Property and has found alternative accommodation but would welcome additional time to organise her departure.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 6 August 2025. The Tribunal considered that it was reasonable to delay the enforcement of any order by a further period of 2 weeks. That appeared to strike the right balance of allowing the Respondent time to find alternate accommodation, whilst recognising the Applicant's wish to dispose of 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.

Andrew McLaughlin

Legal Member/Chair

Date: 25 June 2025