



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/24/5887

Property at 33 Muirkirk Drive, Glasgow, G13 1BZ (“the Property”)

Parties:

Mrs Farzana Shahid, 31 Muirkirk Drive, Glasgow, G13 1BZ (“the Applicant”)

Mr Douik Abdelkader, Ms Rachida Abdelmadjid, 33 Muirkirk Drive, Glasgow, G13 1BZ; 33 Muirkirk Drive, Glasgow, G13 1BZ (“the Respondents”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Helen Barclay (Ordinary Member)

Decision – in absence of the Respondents

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondents.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and Ground 4 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to Leave, section 11 notice and affidavit from the Applicant was lodged with the application.
2. The application was served on the Respondents by Sheriff Officer and all parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 2 July 2025 at 10am. Prior to the CMD, the Applicant lodged a letter from a solicitor dealing with the estate of Mukhtar Begum, deceased and confirmed that the Applicant’s current home, formerly owned by the deceased, was to be sold. The letter stated that the Applicant required to recover the property to live there with her family.

3. The CMD took place on 2 July 2025. The Applicant was represented by Mr Qasim and Mrs Saddiq. The Respondents did not participate and were not represented.

Summary of discussion at the CMD

4. Mr Qasim told the Tribunal that the Respondents are still in occupation of the property. The Applicant intends to move into the property with her husband and their four children aged 21, 18, 16 and 13. The Applicant is a housewife, and her husband works as a taxi driver. They don't own any other properties. Both properties have three bedrooms. The Respondents stopped paying rent in March and now owe £2250. They live at the property with three children aged 4, 6 and 8. They have offered no explanation for the rent arrears. They are not in employment and are in receipt of benefits. Ms Qasim said that there has been no recent contact between the parties, although they live next door. The Applicant does not have a good relationship with the Respondents and is unable to provide any further information about their circumstances.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondents are the tenants of the property in terms of a private residential tenancy. They reside at the property with three children.
7. The Applicant served a Notice to leave on the Respondent on 10 September 2024.
8. The Applicant currently resides at 131 Muirkirk Drive, Glasgow with her husband and four children.
9. The Applicant intends to return to reside in the let property.
10. The Applicant requires to move back into the let property because her current accommodation is to be sold as part of the administration of the former owner's estate. They do not own any other properties.
11. The Respondents have incurred arrears of rent of £2250.

Reasons for the decision

12. The application to the Tribunal was accompanied by a Notice to leave dated 10 September 2024 together with Sheriff Officer certificates of service which establish that it was served on both Respondents on that date. The Notice states that an application to the Tribunal is to be made on ground 4, the landlord

intends to live in the let property and states that an application to the Tribunal will not be made until 4 December 2024.

13. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
14. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
15. Ground 4 of schedule 3 (as amended) states, "(1) It is an eviction ground that the landlord intends to live in the let property. (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if (a) the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months, and (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact".
16. From the documents submitted by the Applicant, including the affidavit and letter from the solicitors administering the deceased's estate, and the information provided at the CMD, the Tribunal is satisfied that the landlord intends to live in the let property as her principal home for at least three months.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondents did not participate in the CMD or notify the Tribunal whether the application is opposed.
 - (b) The Applicant has decided to move back to the property as she is about to lose her present accommodation. Her current home was owned by her husband's mother, now deceased. The Applicant and her husband do not own or rent the property. They are not the sole beneficiaries, and the property requires to be sold as the estate is being wound up.
 - (c) The Respondents have stopped paying rent and have incurred arrears of £2250.
18. The Tribunal also notes that the Respondents currently live at the property with three young children. Other than the fact that they are in receipt of state benefits, there is no further information available about their circumstances or whether they have managed to secure alternative accommodation. In the circumstances and having regard to the factors specified in paragraph 17, the Tribunal concludes that it would be reasonable to grant the order .

Decision

19. The Tribunal determined that an eviction order should be granted.

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.

J.Bonnar

2 July 2025