

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 16 of the Housing (Scotland) Act 2014 and Section 18 of the Housing (Scotland) Act 1988 (“the 1988 Act”).**

**Chamber Ref: FTS/HPC/EV/24/5686**

**Re: Property at 300 Langside Road, Flat 3/2, Glasgow, G42 8XW (“the Property”)**

**Parties:**

**Mr Mahfooz Gilani, 171 Langside Road, Glasgow, G42 7JX (“the Applicant”) and**

**Apex Property Services (Scotland) Ltd, 65A Berkeley Street, Glasgow, G3 7DX (“the Applicant’s Representative”) and**

**Mr Steven McFadyen, 300 Langside Road, Flat 3/2, Glasgow, G42 8XW (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member**

**M Lyden- Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant the Application.**

### **Background and Case Management Discussion on 7<sup>th</sup> July 2025**

1. This Application has been brought in terms of Rule 65 (Application for order for possession of a short-assured tenancy on mandatory or discretionary grounds) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. A Case Management Discussion (“CMD”) proceeded by remote tele-conference call at 10am on 7<sup>th</sup> July 2025. The Applicant’s Representative’s Mr S Deen and the Respondent Mr S McFadyen attended.

3. Mr Deen referred to the Application papers and, in particular, the Rent Statement within the papers which stated that the outstanding rent due, at 1<sup>st</sup> December 2024, when the Application was submitted, was in the sum of £14,382.00. He said that Mr McFadyen was making payments of monthly rent due as well as in respect of arrears. Mr Deen stated that Mr Gilani would be agreeable to the grant of an eviction order with a deferred enforcement date of 1<sup>st</sup> December 2025.
4. Mr McFadyen said that his wife passed away in August 2024. He said that his wife had always paid the monthly rent due. He disputed the amount of arrears referred to in the Application. He said that, in addition to the monthly rent of £799.00, which is partly paid through his Universal Credit monthly benefit monies, he is also repaying at least £200.00 each month towards arrears. He said that he resides with his adult son, aged 33, who has learning difficulties. Mr McFadyen stated that he has applied to Govanhill Housing Association for a tenancy for himself and his son. He said that he wishes an eviction order to be granted as this will hopefully ensure that his fresh housing application has priority. Mr McFadyen asked that an eviction order be granted with a deferred enforcement date, of several months or more, to allow him sufficient time to obtain a new tenancy. He said that he will inform Mr Deen as soon as he has a new tenancy.

### **Findings in Fact and Law**

5. The parties' tenancy agreement began on 1<sup>st</sup> July 2013.
6. The Respondent, Mr, McFadyen, is in arrears of rent. There were rent arrears when a Notice of Intention to Raise Proceedings Form ("Form AT6") was served on him on 24<sup>th</sup> October 2024 and also when this Application was lodged with the Tribunal's office on 11th December 2024.
7. The principal Ground upon which the Application proceeds, namely Ground 12 in Schedule 5 to the 1988 Act, is satisfied. Mr McFadyen is in arrears of rent and this was the case when Form AT6 was served on him and when this Application commenced.
8. It is reasonable that an order for possession is granted. Both parties are in agreement that an eviction order be granted with a deferred enforcement date of 1<sup>st</sup> December 2025.

### **Reasons for Decision**

9. Section 16 of the Housing (Scotland) Act 2014 provides as follows:

"16. Regulated and assured tenancies etc.

(1) The functions and jurisdiction of the sheriff in relation to actions arising from the following tenancies and occupancy agreements are transferred to the First-tier Tribunal -

(a) a regulated tenancy (within the meaning of section 8 of the Rent (Scotland) Act 1984 (c.58)),

- (b) a Part VII contract (within the meaning of section 63 of that Act),  
(c) an assured tenancy (within the meaning of section 12 of the Housing (Scotland) Act 1988 (c.43)).

10. Accordingly, the Tribunal now has jurisdiction in relation to claims by landlords, such as the Applicant, against tenants, such as the Respondent, for possession relating to a tenancy agreement, such as the parties' tenancy agreement.
11. In terms of Section 18 of the 1988 Act the Tribunal shall not make an order for possession of the house let on the tenancy except on one or more of the grounds set out in Schedule 5 to the 1988 Act.
12. Ground 12 in Schedule 5 to the 1988 Act provides that it is an eviction ground that rent lawfully due by a tenant is unpaid on the date on which the proceedings for possession are begun; and there were rent arrears at the date of the service of the preceding Form AT6.
13. Ground 12 is satisfied. There were rent arrears when a Form AT6 was served on Mr McFadyen on 24<sup>th</sup> October 2024 and also when this Application was lodged with the Tribunal's office on 11th December 2024.
14. The Tribunal decided that it was reasonable to grant an eviction order, with a deferred enforcement date in accordance with the wishes of the parties.

## **Decision**

15. The Tribunal grants the Application.

## **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.**

# G. McWilliams

**G McWilliams**  
**Tribunal Legal Member**

— 7<sup>th</sup> July 2025  
**Date**