



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in terms of Rule 17(4) of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 109 of the Rules

Chamber Ref: FTS/HPC/EV/24/4773

Re: Property at 248 Kingsacre Road, Glasgow, G73 2EW (“the Property”)

Parties:

Mr Mohammed Saeed, 3 Rowan Gardens, Glasgow, G41 5BT (“the Applicant”) per his representatives The Property Store, 111, Albert Drive, Glasgow, G41 2SU (“the Applicant’s Representatives”)

Mr Sadam Hussain, 248 Kingsacre Road, Glasgow, G73 2EW (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory ground being established and the statutory procedure having been carried out, it is reasonable to grant the Order sought and so the Tribunal granted the Order.

Background

1. By application received between 16 October 2024 and 18 November 2024 (“the Application”), the Applicant’s Representatives on his behalf applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 1 of Schedule 3 to the 2016 Act, the landlord intends to sell the let property.

2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties showing a monthly rent of £525.00;
 - ii) copy Notice to Leave in terms of Ground 1 of Schedule 3 to the Act dated 21 March 2024 with proof of issue to the Respondent
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Glasgow City Council being the relevant local authority;
 - iv) copy letter from Martin and Co, estate agents, evidencing an intention to sell.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the "CMD") was fixed for 16 June 2025 at 10.00 by telephone conference. The CMD was intimated to both Parties, and, in particular, was intimated to the Respondent, by Sheriff Officer service on 25 March 2025.
4. Prior to the CMD, the Respondent submitted a letter opposing the Application and setting out repairs issues with the Property.

CMD

5. The CMD took place on 16 June 2025 at 10.00 by telephone. The Applicant was not present and was represented by Mr. A. Ahmed of the Applicant's Representatives. The Respondent was not present and was not represented.
6. The Tribunal had regard to the Respondent's written submissions which, although stating that the Application was opposed, gave no supporting information in respect of the opposition and related matters such as repairs and referred to a property owned by the Applicant's wife. The Respondent was not present, having been served by Sheriff Officer and so being aware that he was required to attend the CMD. The Tribunal, therefore, proceeded in his absence on the basis that there was no formal opposition to the Application.
7. Mr. Ahmed advised the Tribunal that matters between the Parties had moved on since the Application was raised. He explained that it was the Applicant's intention to sell the Property and that an agreement had been reached with the Respondent for him or his wife to purchase the Property. Mr. Ahmed stated that a price had been agreed and that the Respondent was in the process of arranging mortgage finance. Accordingly, the Applicant was seeking an Order suspended for 3-5 months to allow the sale to proceed. Mr. Ahmed explained that, after the Notice to Leave was served, a previous sale arrangement between the Parties had been discussed but had not progressed and so the Application was raised. He confirmed that the current sale is progressing. He

stated that he has a good relationship with the Respondent and has assisted with the proposed sale to him.

8. With regard to the repairs issues raised by the Respondent, Mr. Ahmed disputed these and stated that, as letting agent, he was aware that the Respondent and his family do not ventilate the Property properly, particularly when cooking and that advice had been given to them in this respect.
9. With regard to the circumstances of the Applicant, Mr. Ahmed advised the Tribunal that the Applicant does not have a portfolio of properties and that he runs a petrol station business. Mr. Ahmed explained that the Property had been purchased for the Applicant's cousin and was then rented to the Respondent when his cousin moved out. He confirmed that the Applicant, who is 65 years old, no longer wishes to be a landlord.
10. With regard to the circumstances of the Respondent, the Tribunal noted from his written submissions that he has a wife and three small children, the eldest being six years old.

Findings in Fact

11. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties commencing on 10 March 2019;
 - ii) A valid Notice to Leave was issued by the Applicant to the Respondent;
 - iii) The Applicant has evidenced an intention to sell the Property;
 - iv) There is an ongoing proposal for the Applicant to sell the Property to the Respondent in respect of which a price has been agreed and financing is being arranged;
 - v) The Applicant no longer wishes to act as a landlord;
 - vi) The Respondent remains residing in the Property with his wife and three children.

Issue for the Tribunal

12. The issue for the Tribunal was whether or not it should grant an Order for eviction in terms of Ground 1 of Schedule 3 to the Act as set out in the Application and as requested by the Applicant's Representative at the CMD.

Decision and Reasons for Decision

13. The Tribunal had regard to all the information before it and to its Findings in Fact.

14. Having found that the Applicant intends to sell the Property and that the Notice to Leave was issued properly, the Tribunal found that the eviction Ground has been met and the procedure followed.
15. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal *“may do anything at a case management discussionincluding making a decision”*. The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.
16. The statutory ground and procedure being established, and the Application not being opposed, the issue for the Tribunal was to determine if it is reasonable to grant the Order.
17. The Tribunal then had regard to the circumstances of the Parties.
18. The Tribunal must establish, consider and properly weigh the “whole of the circumstances in which the application made” (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.
19. The Tribunal then looked to balance the rights and interests of both parties.
20. The Tribunal noted the particular circumstances of this Application and accepted that the Parties are in the process of agreeing a sale by the Applicant to the Respondent. The Tribunal noted that the Applicant does not seek an immediate Order but seeks an Order suspended to allow the sale transaction to progress and complete. The Tribunal noted that the Applicant no longer wishes to be a landlord.
21. The Tribunal noted that the Respondent and his family remain residing in the Property. The Tribunal, from its own professional knowledge had regard to the statutory position that, if the proposed sale/purchase transaction did not proceed and the Respondent were evicted and made homeless, he and his family would have protection in terms of Part II of the Housing (Scotland) Act 1987 and so would be able to access advice and assistance on homelessness.
22. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction order. In the particular circumstances, the Tribunal stayed the Order until 16 October 2025 to allow for either the proposed sale/purchase transaction to complete or the Respondent to secure alternative accommodation.

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.

K.Moore

16 June 2025.

Legal Member/Chair

Date