

**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 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/23/2418**

**Re: Property at Flat 1/2, 126 Forth Street, Glasgow, G41 2TB (“the Property”)**

**Parties:**

**Mrs Rehana Koser, 66 Glen Cona Drive, Glasgow, G53 7UX (“the Applicant”)**

**Mr Mazhar Khurshid Alam, Flat 1/2, 126 Forth Street, Glasgow, G41 2TB (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of 2 months from the date of the decision**

**Background**

1. By application dated 20 July 2023 the Applicant’s representatives, Jackson Boyd Solicitors, Glasgow, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 4 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of a tenancy agreement, Notice to Leave with execution of service an Affidavit from the Applicant and a Section 11 Notice together with other documents in support of the application.
2. By Notice of Acceptance dated 14 September 2023 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. By email dated 21 November 2023 the Respondent's representatives, Brown & Co LLP, Solicitors, Glasgow submitted written representations on behalf of the Respondent.
4. A CMD was held by teleconference on 12 December 2025. The Applicant attended in person supported by her daughter and represented by Mr John McKeown from the Applicant's representatives. The Respondent did not attend but was represented by his son Amer Amjad and Ms Louisa Fidelo from Brown & Co LLP, Solicitors, Glasgow.
5. The parties agreed that the Respondent commenced a Private Residential Tenancy agreement on 1 March 2019 and that the rent of £700.00 per month was paid up to date. It was also agreed that the Respondent had been served with a Notice to Leave on 12 April 2023 and that proceedings would not be commenced until after 9 July 2023 and that Glasgow City Council had been given notice of the proceedings by way of a Section 11 Notice.
6. The Tribunal determined that the issue of reasonableness was in dispute and fixed a hearing. The Tribunal also issued oral directions to the parties.
7. By email dated 19 March 2024 the Applicant's new representatives Legal & Legal, Solicitors and Notaries, Glasgow submitted written representations to the Tribunal.
8. By email dated 22 July 2024 the Respondent's representatives advised the Tribunal they had withdrawn from acting for the Respondent.
9. A hearing was held by teleconference on 23 July 2024. The Applicant attended in person and was represented by Mr Asif Hussain. The Respondent also attended in person and was supported by his son Mr Amer Amjad. Also in attendance was an Urdu interpreter. As a result of both sides failing to provide documentation requested by the Tribunal it was not in a position to proceed to determine the application and the hearing was adjourned to an in-person hearing. The Tribunal also determined to issue formal directions to the parties.
10. By emails dated 24 October and 3 November 2024 the Respondent submitted further written representations to the Tribunal.

11. By email dated 1 November 2024 the Applicant's representatives submitted written representations and an Inventory of Productions to the Tribunal.
12. At the request of the Respondent dated 4 November 2024 a hearing assigned for 5 November 2024 was postponed.
13. By email dated 22 January the Respondent submitted a further postponement request due to his inability to obtain legal representation and once again the Tribunal granted the postponement request.
14. By email dated 26 May 2025 the Respondent submitted further written representations and documents to the Tribunal.
15. By email dated 3 June 2025 the Respondent submitted a series of text messages between the parties to the Tribunal.

### **The Hearing**

16. A hearing was held at Glasgow Tribunals Centre on 3 June 2025. The Applicant attended in person and was represented by Mr Asif Hussain. The Respondent also attended in person and was represented by his son, Mr Amer Amjad. An Urdu interpreter, Mrs Rajnish Rakhra was also in attendance.
17. The Tribunal noted that the Respondent had not fully complied with the Tribunal's directions dated 23 July 2025 and asked Mr Amjad to explain the reason for not providing all the information requested. Mr Amjad said that at the CMD in December 2023 he had explained the impact moving out of the area would have on his parents but that his father had not wanted to involve other members of his community to speak on his behalf because there would be a stigma if he had to discuss issues with them such as housing insecurity or financial difficulties as these would bring shame on his father. Mr Amjad went on to confirm that the Respondent was no longer insisting on his earlier submissions as regards Mr Amjad's own medical condition as he had made a good recovery. Mr Amjad then went on to say that with regards to the documents submitted on behalf of the Applicant he had been expecting up-to-date reports as regards the Applicant's medical condition but the latest medical evidence was from November 2024. Mr Amjad suggested that given the history of the Applicant being sent previous Notices to Leave the Applicant had just been trying to put pressure on the Respondent to leave the property.

18. The Tribunal noted that the Respondent had submitted late representations that consisted of a number of text exchanges between Mr Amjad and the Applicant and queried if there was any objection to these being received although late. Mr Hussein although not taking issue with the late submission did explain that Mr Amjad had drafted a landlord's reference himself and that if the Applicant was going to provide a reference, then she would have written it. Mr Hussain also advised the Tribunal that the Applicant had not received the final message and both parties provided the Tribunal with their mobile phones to support their positions in this regard.
19. The Tribunal queried with Mr Amjad what the position was with the family finding new accommodation and Mr Amjad advised that the Applicant had applied for three properties, one had declined immediately, one had requested bank statements and other documents and had just needed a reference but as he had not received a response from the Applicant the Respondent had ended up losing the property and he said they had been for a viewing only for the third property.
20. For the Applicant Mr Hussain said that the Applicant's circumstances remained as before. He said the Applicant's income and expenditure was as detailed in the Inventory of Productions and the Applicant's benefits were still the same. Mr Hussain referred the Tribunal to the substantial medical evidence provided in the Inventory of Productions and particularly pages 45 to 164 and submitted that there was not much further information that could be supplied. Mr Hussain advised the Tribunal that the Applicant's health issues were still the same and also referred the Tribunal to the witness statements provided by the Applicant's husband, Mr Manzoor Ahmed (Applicant's Inventory page 167), Mr Ahmed's landlord, Mr Muhammad Naveed (Applicant's Inventory page 168) and the Applicant's cousin, Mr Parvez Akhtar (Applicant's Inventory page 169).
21. Mr Hussain went on to say that the Respondent had failed to submit any evidence to support his submission that he had made efforts to obtain alternative accommodation or evidence to support his other grounds of objection to the order whereas the Applicant had submitted all the information necessary to support her case and asked the Tribunal to grant the order sought.
22. For the Respondent Mr Amjad referred the Tribunal to the conflicting descriptions that had been provided by the Applicant's previous agents as regards the Applicant's medical condition when it had initially been said that the Applicant was suffering from pernicious anaemia then this was amended to persistent anaemia. Mr Amjad also said that it had been said that the Applicant was suffering from MDS but there was a letter from a Consultant Haematologist, Dr Chris McDermott dated 23 November 2023 (Applicant's Inventory page 99) that there was no evidence of MDS but that this was not disclosed at the CMD on 12

December 2023. Mr Amjad went on to say that whilst he sympathised with the Applicant's medical condition there was a need for clarity and that this could have been provided in an expert report. Mr Amjad also questioned the issue of the Applicant's mobility and the extent to which this affected her and suggested that a report from an occupational therapist should have been provided.

23. In response the Applicant confirmed that she was still suffering from anaemia and required regular treatment including blood transfusions and that she was still undergoing tests to identify the cause of her anaemia. The Applicant also advised the Tribunal that her mobility was poor.
24. Mr Amjad went on to refer the Tribunal to the floor plan of the Applicant's current property and submitted that there was a bedroom and bathroom available for the Applicant to use on the first floor and therefore she could continue to live in that property.
25. The Applicant responded by saying that the property had been altered in 2016 and a wall had been removed to extend the kitchen and all the bedrooms were on the upper floor of the property. Mr Hussain added that the property in Forth Street was all on one level although one flight of stairs up.
26. In response to a query from the Tribunal the Applicant confirmed that the property she was currently living in was jointly owned with her husband who wanted to live in the property. The Applicant also confirmed that she was not eligible for social housing as she owned the property the Respondent was living in and she could recover possession of it. The Applicant confirmed that she thought it was reasonable that her husband move back into the property at Glen Cona Drive. The Applicant also said that moving into her property would ease her medical issues with regards to mobility and would also provide a home for her younger son who would not need to move school.
27. Mr Amjad went on to submit that the Respondent had thought that the Applicant was using her separation from her husband as a means of recovering the property ultimately with the aim of being able to rent out the property at an increased rent as following the relaxation of the rent freeze on properties during Covid and the cost of living crisis rents in the area had increased considerably and the rent for the property could be increased to about £1100.00 per month. Mr Amjad said that there were a limited number of properties in the area and the Respondent had been unsuccessful in obtaining another property. Mr Amjad submitted that the Respondent would suffer emotional damage and distress if the order for possession was granted and if the Respondent and his wife had to move out of the area away from the Pakistani community they would be further isolated and insecure because of their lack of English and the increase in Islamophobia and racism. Mr Amjad also suggested that moving from

the area could affect his father's job prospects and Mr Amjad's own health issues. He submitted that having lived in Pollockshields for 25 years it would be an injustice to be taken away from shops and friends on no clear evidence.

28. In response to a query from the Tribunal, Mr Amjad said that the Respondent had once been told that if the Tribunal granted an order for possession the local authority would provide assistance with housing. Mr Amjad confirmed the Applicant was on the waiting list with Southside Housing Association and confirmed that if an order was granted the Respondent would receive more priority for housing but that they may provide temporary accommodation and there was a huge waiting list.
29. Mr Amjad said that the Applicant was in a position to pay an increased rent particularly as his brother had recently had promotion at work.
30. Mr Amjad repeated his submission that the Applicant ought to provide the Tribunal with more information with regards to her medical condition and how it affects her mobility. Mr Amjad also suggested that the Respondent could provide further information as well and asked the Tribunal to adjourn the hearing before making a determination. Mr Hussain opposed such an adjournment and submitted that the application had been outstanding since 2023 and that the Tribunal had sufficient information before it to make a determination.
31. The Tribunal adjourned the hearing to consider Mr Amjad's request. After it reconvened, the Tribunal advised the parties that it was satisfied that it had sufficient information before it to determine the application. Both parties had been given adequate opportunity to submit such documents or lead evidence from witnesses as they considered appropriate to their case and there was an obligation on the Tribunal to deal with matters expeditiously. The application had commenced in July 2023 and it would not be appropriate to delay determination any longer and the Tribunal refused the Respondent's request for an adjournment.

### **Findings in Fact**

32. The Respondent entered into a Private Residential Tenancy of the property dated 1 March 2019.
33. A Notice to Leave under Ground 4 of Schedule 3 of the 2016 Act was served on the Respondent on 12 April 2023.
34. A Section 11 Notice was sent to Glasgow City Council on 18 July 2023.
35. The Applicant intends to live in the property with her 11-year-old son..

- 36. The Applicant suffers from ill health and has restricted mobility and anaemia.
- 37. The Applicant is separated from her husband who is currently living in rented accommodation but who intends to return to live in the family home with the Applicants older sons.
- 38. The Applicant is struggling to meet her financial outgoings and has borrowed money to meet all her outgoings.
- 39. The Respondent lives in the property with his wife and two adult sons.
- 40. The Respondent and his family have lived in Pollockshields for 25 years and are settled there.
- 41. The Respondent has limited understanding of English and is part of the Pakistani community in Pollockshields and attends his mosque and works there.
- 42. The Respondent is in employment and his rent is paid up to date.
- 43. The Respondent has applied for three other private rental properties in the area without any success.
- 44. The Respondent has applied to Southside Housing Association for housing.
- 45. The Respondent has been told that he will not receive any priority to be rehoused unless and until an order for his eviction is granted.

### **Reasons for Decision**

- 46. The Tribunal was satisfied from the documents submitted and the oral submissions of both parties that the parties entered into a Private Residential tenancy that commenced on 1 March 2019. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 4 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Glasgow City Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the Applicant's oral submissions that she intends to live in the property herself along with her youngest son.
- 47. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. The Tribunal therefore had to balance the needs of the Applicant with the needs of the Respondent in arriving at a decision. On the one

hand there was the Applicant who had separated from her husband but had continued to reside in the former matrimonial home which was not particularly suitable for her needs due to her poor health and because her husband wished to return to live in the former matrimonial home. The Tribunal was satisfied from the witness statements submitted on behalf of the Applicant that the Applicant's husband was no longer able to remain in his rented accommodation and had a right to return to the property in Glen Cona Drive as he was a part owner. In addition, the Tribunal was also satisfied both from the documentary evidence submitted on behalf of the Applicant and from the Applicant's oral evidence that she suffers from quite severe anaemia requiring her to receive regular blood transfusions and that she also has reduced mobility. The Tribunal accepted her evidence that she would find living in the property which was all on one floor easier than living in the Glen Cona Drive property. In general, the Tribunal found the Applicant to be a credible and compelling witness who had produced a significant amount of information about her health, financial affairs and personal circumstances. The Tribunal did not consider any further medical information to be necessary. On the other hand, the Tribunal also had to take account of the needs of the Respondent who had provided limited evidence to support the submissions made on his behalf with regards to the support he had from the Pakistani community in the area. Nevertheless, despite this the Tribunal did accept that the Respondent was settled in the area and if an order for eviction was granted it would undoubtedly have an adverse effect upon the Respondent and his family particularly if they had to move to another area further from the Pakistani community with which they are familiar. The Tribunal also accepted that the Respondent had made some attempts to find alternative private rental accommodation in the area without any success although again only limited information in this regard was presented to the Tribunal. The Tribunal was also satisfied that the Respondent had applied to Southside Housing Association for accommodation but had been told that he would only be given additional priority if an order for eviction was granted. In reaching its decision the Tribunal took account of but rejected the submissions made by Mr Amjad that in some way the Applicant was using the separation from her husband to engineer a way of obtaining the eviction of the Respondent.

48. After carefully considering the circumstances of both parties the Tribunal was persuaded that the needs of the Applicant in this application were such that although there would undoubtedly be an adverse impact on the Respondent and his family it was reasonable to grant the order. The Applicant could not remain in the former matrimonial home when her husband returned and in any event that property was not suitable for her needs. However the Tribunal has determined that the order for eviction should not be enforced for a period of two months and the Tribunal would hope that would give the Respondent sufficient time for him to obtain alternative accommodation and that having granted an order for eviction, he would receive some priority for rehousing.



## **Decision**

49. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicant entitled to an order for the eviction of the Respondent from the property but that enforcement of the order be suspended for a period of two months from the date of the decision.

## **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.

Graham Harding  
Legal Member/Chair

11 June 2025  
Date

Graham Harding