



**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/25/1145**

**Re: Property at 1/2 42 Sandaig Road, Glasgow, G33 4TF (“the Property”)**

**Parties:**

**Rym Assets Ltd, 7 Newlands Lane South, Cove, Aberdeen, AB12 3FS (“the Applicant”)**

**Mr Mahad Abshir Ali, 1/2 42 Sandaig Road, Glasgow, G33 4TF (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Mary Lyden (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 two months from the date of the decision.**

**Background**

1. By application dated 14 March 2025 the Applicants’ representatives James and George Collie LLP, Solicitors, Aberdeen, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 3 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, Section 11 Notice and a quotation for works together with other documents in support of the application.
2. By Notice of Acceptance dated 7 April 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 23 July 2025.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 4 September 2025. The Applicant was represented by Mr Duncan Love from the Applicant's representatives. The Respondent attended in person and was supported by a friend Mr Hayd as he did not speak much English.
5. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 10 November 2020 at a rent of £700.00 per calendar month. The Tribunal noted that the rent remained at £700.00 per month although some attempt had been made to increase it. It was unclear if the Respondent was in any arrears.
6. The Tribunal also noted that the Respondent had been served with a Notice to Leave under Ground 3 of Schedule 3 of the 2016 Act by email on 28 August 2024 and that the email address used was the Respondents correct address. The Tribunal also noted that a Section 11 Notice had been sent to Glasgow City Council by email on 14 March 2025.
7. The Tribunal queried with the Respondent if the application was opposed and Mr Hayd confirmed that it was not. Mr Hayd said that it was accepted that the property needed to be refurbished to address the outstanding issues with the property and that the Respondent and his family could not remain in the property while the renovations were being carried out and the Applicant was unable to provide temporary accommodation. Mr Hayd went on to explain that on being served with the Notice to Leave the Respondent had contacted Glasgow City Council but had been told that he should remain in the property until an order for his eviction was granted by the Tribunal. Mr Hayd also said that when the case papers had been served on the Respondent he had again gone to the Homeless Unit but had again been told he must wait for an eviction order to be granted.
8. In response to a query from the Tribunal Mr Hayd advised the Tribunal that the Respondent lived in the property with his wife and two sons and two daughters aged 9, 16, 17 and 18. Mr Hayd confirmed the property had three bedrooms. Mr Hayd also confirmed that the Respondent was on the waiting list for housing with all the Housing Associations in the area.
9. In response to a query from the Tribunal Mr Love said he was aware that the Applicant had other properties in its portfolio but did not know how many. Mr Love said he was also aware that the Applicant had been

refurbishing other properties and that the property required a complete refurbishment to address the damp and mould issues that the Respondent had complained of during the tenancy and had not been resolved by the installation of new double glazed windows. Mr Love explained that nothing else had been done to the property in twenty years and it was in need of a significant upgrade.

10. In response to a further query from the Tribunal Mr Love said that the Applicant's contractor was ready to commence work once vacant possession had been obtained. Mr Love did not think there would be any objection to enforcement of an order for eviction being suspended for a period of two months to allow the Respondent some additional time to be rehoused by the local authority.

### **Findings in Fact**

11. The Respondent commenced a Private Residential Tenancy of the property on 10 November 2020.
12. A Notice to Leave under Ground 3 of Schedule 3 of the 2016 Act was served on the Respondent on 28 August 2024.
13. A Section 11 Notice was sent to Glasgow City Council on 14 March 2025.
14. The Applicant has instructed contractors to refurbish the property at a cost of about £19000.00.
15. The Respondent does not oppose the application and agrees that the property is in need of refurbishment.
16. The Respondent and his family could not remain in the property while the refurbishment work was undertaken.
17. The Respondent lives in the property with his wife and four children aged 9, 16, 17 and 18.
18. The Respondent requires a three bedroom property to accommodate his family.
19. The Respondent has approached Glasgow City Council to be rehoused but has been advised that they will only assist once an order for eviction has been granted.

## **Reasons for Decision**

20. 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 10 November 2020. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 3 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 Mr Love's oral submissions that the Applicant intends to carry out extensive refurbishment works at the property and that the Respondent and his family could not remain in the property while the works were carried out.
21. 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. In reaching a decision on reasonableness the Tribunal noted that neither party took any issue with the other party's position as stated by them. The Tribunal also noted that the Respondent did not oppose the application and accepted that the refurbishment was necessary. The Tribunal had to balance the needs of the Applicant with the needs of the Respondent in arriving at a decision. Given that the property needed to be refurbished to address the issues of damp and mould as well as the other issues affecting the property it was reasonable to grant the order sought. Furthermore, the Respondent had been told that he would only be given priority for housing if an order for eviction was granted. In these circumstances the Tribunal was satisfied that it was reasonable to grant an order for eviction of the Respondent from the property but that in order to give the Respondent some additional time to find suitable alternative accommodation with the assistance of the Local Authority enforcement of the order should be suspended for a period of two months from the date of the decision.

## **Decision**

22. 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 should 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**

**4 September 2025  
Date**