



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

Chamber Ref: FTS/HPC/EV/25/1285

Re: Property at 1/1, 2 Greenlaw Court, Glasgow, G14 0PQ (“the Property”)

Parties:

Mr Tarek Abdellatif, Aly Soliman, 43 Dunmore Point, Gascoigne Place, London, E2 7LX (“the Applicant”)

Ms Karine McGowan, Jasmine Agnew, otherwise known as Jazz O'Hara, 1/1, 2 Greenlaw Court, Glasgow, G14 0PQ; 1/1, 2 Greenlaw Court, Glasgow, G14 0PQ (“the Respondent”)

Tribunal Members:

Ruth O'Hare (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 provisions of ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 had been met and it would be reasonable to make an eviction order, with execution of the order suspended for two months.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicants relied upon ground 1 of schedule 3 of the 2016 Act, stating their intention to sell the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place on 25 September 2025 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with rule 17(2) of the Rules. Said notice

was served upon the Respondents by sheriff officers on 19 August 2025 and 9 September 2025.

- 3 Both parties were invited to make written representations in advance of the CMD. On 18 September 2025 the Tribunal received written representations from the Applicant. No representations were received from either Respondent.

The CMD

- 4 The CMD took place on 25 September 2025 at 10am by teleconference. The Applicants were represented by Mr Rennie, Solicitor of Anderson Strathern. The Respondents were also in attendance.
- 5 The Tribunal had the following documents before it:-
 - (i) Form E application form and paper apart;
 - (ii) Title sheet confirming the Applicants as the registered owners of the property;
 - (iii) Private residential tenancy agreement between the parties;
 - (iv) Notice to leave and proof of delivery to the Respondents by sheriff officers;
 - (v) Section 11 notice and proof of delivery to Glasgow City Council;
 - (vi) Agency agreement between the Applicants and Countrywide Estate Agents;
 - (vii) The Applicants' written representations, which include fee quotations for the sale of the property.
- 6 The Tribunal heard submissions from the parties on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.
- 7 Mr Rennie confirmed that the Applicants sought an eviction order as they intended to sell the property as the registered owners. They had taken initial steps to enter into an agency arrangement with Countrywide Estate Agents and had sought quotes from solicitors for the conveyancing, which evidenced their clear and genuine intention to sell. The Applicants had given the Respondents notice to leave on 2 December 2024. The Respondents had remained in the property. They continued to pay rent. The Respondents had been given ample time to source alternative accommodation. In response to questions from the Tribunal Mr Rennie advised that the Applicants were selling the property due to a combination of personal and financial reasons. It was a matter of necessity to proceed with the sale. Mr Rennie did not believe the Applicants had entered into the tenancy agreement with the Respondents with the intent of selling the property. Mr Rennie did not know if the Applicants had other rental properties. They currently reside in London.
- 8 Ms McGowan spoke on behalf of the Respondents. Ms O'Hara is her daughter. Ms McGowan understood that the Applicants owned the property and were entitled to sell. She outlined the toll the proceedings had taken on the

Respondents. They had moved to the property on the understanding that it would be a long term let. They had been shocked to receive the notice to leave. The situation had damaged the Respondents' relationship as they had moved to the property for Ms McGowan's benefit and had to give up their pets. It had not been easy to find alternative accommodation. They would no longer be living together. Ms McGowan explained that they were seeking rehousing in the social sector. She worried about the affordability of private lets, given that she would now be living on her own. She also did not want to find herself in this position again. Ms McGowan had applied to social housing providers but they would not prioritise her application until she had an eviction order. She was currently in limbo. Ms O'Hara had not yet made an application as she did not know if she wanted to stay in Scotland. She had considered moving to Manchester to study. She was now no longer in further education and in receipt of benefits, having been deemed unfit for work by the Department of Work and Pensions. Ms McGowan confirmed that their preference was to secure social housing and they required an eviction order in order to do this.

- 9 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 10 The Applicants are the owners and landlords, and the Respondents are the tenants, of the property in terms of a private residential tenancy agreement, which commenced on 31 May 2024.
- 11 On 2 December 2024 the Applicants delivered a notice to leave to the Respondents by sheriff officers. The notice to leave included ground 1 and stated that an application would not be made to the Tribunal any earlier than 27 February 2025.
- 12 The Applicants have sent Glasgow City Council a notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") at the time of making this application.
- 13 The Applicants are entitled to sell the property.
- 14 The Applicants intend to sell the property within three months of the Respondents vacating.
- 15 The Respondents are mother and daughter. The first Respondent has applied for social housing. The making of an eviction order will likely assist in progressing the first Respondent's application for housing.
- 16 The second Respondent has not yet made an application for social housing, having been considering her options.

Reasons for decision

- 17 The Tribunal was satisfied that it had sufficient information to make relevant findings in fact in order to reach a decision in the absence of a hearing under rule 18 of the Rules. The Respondents had not sought to oppose the substantive facts of the case and as such there was no contradictory evidence before the Tribunal to counter the documentary evidence and submissions from the Applicants.
- 18 Section 52 of the 2016 Act states that “*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant*”. The Tribunal was satisfied based on the documentary evidence before it that the Applicants have given the Respondents a notice to leave that complies with the requirements of the 2016 Act. The Tribunal was further satisfied that the Applicants have given the local authority a section 11 notice in accordance with the requirements of section 56 of the 2016 Act.
- 19 The Tribunal went on to consider the wording of ground 1:-

*“(1) It is an eviction ground that the landlord intends to sell the let property.
(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—
(a) is entitled to sell the let property, ...
(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and
(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.
(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—
(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.”*
- 20 The Tribunal accepted that the Applicants are entitled to sell the property, and intend to do so within three months of the Respondents ceasing to occupy, as evidenced by the agency agreement and fee quotations produced. The Tribunal therefore considered whether it was reasonable to make an eviction order on account of those facts, which requires the Tribunal to identify those factors relevant to reasonableness and determine what weight to apply to them.
- 21 The Tribunal took into account the Applicants’ property rights, which entitled them to dispose of the property as they saw fit. The Tribunal also took into account their reasons for selling the property, namely due to their own personal and financial circumstances. These were all factors to which the Tribunal gave significant weight.

- 22 The Tribunal carefully considered the Respondents' circumstances. The Tribunal sympathised with the position they had found themselves in, whereby they had been given a notice to leave not long after the commencement of the tenancy. However, whilst the impact of eviction upon the Respondents was a cause for concern, ultimately the Tribunal gave most weight to their wish to obtain a secure tenancy in the social housing sector. The Tribunal was aware that the making of an eviction order would assist them in this regard by prioritising their applications for housing.
- 23 The Tribunal was however conscious of the scarcity of social housing, particularly in the Glasgow area at this time. The Tribunal therefore considered it would be reasonable to allow a delay in the execution of the eviction order to give the housing providers more time to source suitable accommodation for the Respondents, and minimise any risk of disruption to their living arrangements.
- 24 Accordingly, having weighed those factors relevant to reasonableness the Tribunal concluded that the balance weighs in favour of making an eviction order in this case, with execution of the order suspended for two months.
- 25 The Tribunal therefore determined that ground 1 had been met and determined to make an eviction order. The decision of the Tribunal was unanimous.

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.

Ruth O'Hare

25 September 2025

Legal Member/Chair

Date