

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/0389

Re: Property at Flat 10 Sandringham Court, Duart Drive, Glasgow, G77 5DT (“the Property”)

Parties:

Mr Aqil Rehan, Flat 1/1, 38 Carmichael Street, Glasgow, G51 2QU (“the Applicant”)

Mehwish Anis, Flat 10 Sandringham Court, Duart Drive, Glasgow, G77 5DT (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 27 January 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2026. The Ground relied on was Ground 4 of Schedule 3 to the Act, namely that the landlord intends to live in the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 1 December 2023, a Notice to Leave dated 22 October 2024 advising the Respondent that an application to the Tribunal under Ground 4 would not be made before 17 January 2025, and an Affidavit dated 8 October 2024 in which the Applicant stated his intention to live in the Property with his wife and daughter. The Applicant also provided copies of emails of 24 January 2025 to Glasgow City Council and of 28 January 2025 to East Renfrewshire Council, each of which has as an attachment a Section 11

Notice, intimating to the local authority that the Respondent may become homeless.

3. On 18 June 2025, the Applicant advised the Tribunal that he and his wife were separating and his wife was putting a lot of pressure on him to leave the Property. His health was deteriorating due to this and he urgently needed to move into the Property.
4. On 16 September 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 7 October 2025
5. On 30 September 2025, the Respondent's representatives, Apex Services, Glasgow, made representations on the Respondent's behalf. They contended that the Applicant is registered as a landlord in Glasgow, but the Property is in East Renfrewshire and that the Section 11 Notice by the Applicant was incorrect, as it was addressed to the wrong local authority.

Case Management Discussion

6. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 28 October 2025. The Applicant was present and was assisted by a Mr Ismaeel. The Respondent was not present or represented.
7. The Applicant told the Tribunal that he was separated from his wife but that they continued to occupy the same house, as the Respondent had nowhere else to go. His married daughter also lives there with her husband and the Applicant's younger daughter who is 16. The Applicant requires to recover the Property in order to be able to move out of the marital home. He does not own any other rented property. The relationship with his wife has deteriorated very badly and the situation has affected his health. It is possible that his younger daughter may decide to live with him in the Property.

Reasons for Decision

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
9. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.
10. Ground 4 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let property and that the Tribunal may find that Ground 4 applies if the landlord intends to occupy the let property as the landlord's

only or principal home for at least 3 months and the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of that fact. Ground 4 goes on to state that evidence tending to show that the landlord has that intention includes an Affidavit that the landlord has that intention.

11. The Tribunal considered the contention on behalf of the Respondent that the Section 11 Notice had been incorrect, but noted that it had been sent to Glasgow City Council on 24 January 2025 and had also been sent to East Renfrewshire Council on 28 January 2025. The Tribunal also noted that the Respondent has registered as a landlord with Glasgow City Council but not with East Renfrewshire Council, in whose area the Property is located. The Tribunal did not consider that the fact that the Applicant had not registered as a landlord with East Renfrewshire Council impacted on his right to seek an Eviction Order, as there was no doubting that there was a tenancy agreement between the Parties.
12. The Tribunal was satisfied from the evidence provided that the Applicant intends live in the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
13. The Tribunal noted the comments made by the Applicant regarding the relationship with his wife and that he does not own any other rented properties. The Tribunal also noted that the Respondent had raised a technical issue regarding the Section 11 Notice and landlord registration but had not presented any information regarding their personal circumstances that they would wish the Tribunal to take into account in deciding whether to issue an Eviction Order. The Respondent had also failed to attend or be represented at the Case Management Discussion.
14. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.

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.

George Clark

Legal Member/Chair:

Date: 28 October 2025