



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/1902

Re: Property at Flat 1-5, 39 Ibroxholm Oval, Glasgow, G51 2TJ (“the Property”)

Parties:

Amjid Ghafoor, 3 Beech Avenue, Dumbreck, Glasgow, G41 5DE (“the Applicant”)

Sharon Elizabeth Loudon, Flat 1-5, 39 Ibroxholm Oval, Glasgow, G51 2TJ (“the Respondent”)

Tribunal Members:

Joel Conn (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

Background

1. This is an application by the Applicant for an order for possession on termination of a short assured tenancy in terms of rule 66 of the *First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017* as amended (“the Rules”). The tenancy in question was a Short Assured Tenancy of the Property by the Applicant to the Respondent commencing on 22 September 2014.
2. The application was dated 1 May 2025 and lodged with the Tribunal on 2 May 2025. The application relied upon a Notice to Quit and notice in terms of section 33 of the *Housing (Scotland) Act 1988*, both dated 17 November 2024. These provided the Respondent with notice (respectively) that the Applicant sought to terminate the Short Assured Tenancy and have the Respondent vacate, each by 22 January 2025. Evidence of service of the said notices by recorded

delivery service on 19 November 2024 (and signed for on 20 November 2024) was included with the application.

3. Evidence of a section 11 notice dated 5 February 2025 in terms of the Homelessness Etc. (Scotland) Act 2003 served upon Glasgow City Council was provided with the application.

The Hearing

4. On 18 November 2025 at 14:00, at a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, sitting remotely by telephone conference call, we were addressed by the Applicant’s agent, Tahir Bashir, director, GPS Glasgow and by Christine McKellar, solicitor, Govan Law Centre for the Respondent. Neither of the parties were in attendance personally.
5. We sought clarification from the Applicant’s agent as to whether the application was insisted upon and from the Respondent’s agent as to whether the application was opposed.
6. The Applicant’s agent confirmed that the eviction was still sought. The Applicant had at least four children over the age of 18 staying with him and his spouse at his three-bedroom home. One son had recently married and the Applicant wanted the Property repossessed so that his son and spouse could move into it. (The Applicant’s agent could not confirm exactly the number of adults living at the Applicant’s home, but was satisfied that it was at least six.) The Applicant had no other rental properties. Further, no rent had been paid since before 22 May 2020. The Applicant’s agent explained this as due to a family member managing the Property for the Applicant. The family member died during the pandemic and there was a period where no management was taking place. A new family member was now managing the Property (Rukhsana Iqbal, being the Applicant’s sister, and the person incorrectly listed as landlord on the Scottish Landlords Register). The Applicant’s agent stressed that he was handling only the eviction but understood that the Applicant’s family had sent demands to the Respondent on rent which had not been responded to. (We noted that no copies of these alleged demands had been lodged.)
7. The Respondent’s agent confirmed that the Respondent took no issue with the validity of the notices served and did not object to the eviction though sought a suspension to 13 January 2026 on reasonableness grounds. The agent had only very recently been instructed but provided the following information:
 - a. The Property was a flat in a multi-storey block.
 - b. The Respondent previously lived there with her partner and her daughter. Her partner left around 2020, telling the Respondent that he would continue to pay the rent. The Respondent only became aware from the application papers that no rent had been paid for the period from 22 May 2020. She was “shocked and depressed” by the news, and would have commenced payments earlier had she known. She denied any demands for rent had been received.

- c. The Respondent's daughter was now an adult, but with significant health problems which resulted in periods of in-patient hospital care. She was currently receiving such in-patient care. (We were provided with details of the health condition but do not repeat these within this Decision.)
 - d. The Respondent's 8-year-old grandson stayed with her two days a week at the Property.
 - e. The Respondent was 50 and in low wage employment in the hospitality industry. She had never investigated payment of benefits, though her agent thought she may be entitled to some benefit due to her level of income.
 - f. The Respondent had placed herself on a housing association waiting list but had not yet been rehoused. She had not appreciated the need of contacting the local authority's homelessness department but her agent was now assisting her with this.
 - g. The Respondent herself suffers from anxiety and other health conditions for which she is on medication.
 - h. Now that she was aware of the non-payment of rent, she intended to pay £500 in November and monthly until she vacated. The date of 13 January 2026 was proposed for the suspension, so that she had time to be assessed fully by the local authority and rehoused, and avoid disruption over the festive period.
8. The Applicant's agent opposed suspension on the grounds that the Respondent had only belatedly engaged, and that the issues had been outstanding for some time (as the notices were long served). He stressed the inconvenience to the Applicant's family of their housing situation.
9. No order for expenses was sought by the Respondent. The Applicant sought expenses of the application and eviction.

Findings in Fact

- 10. By written lease dated 22 September 2014, the Applicant let the Property to the Respondent by lease with a start date of 22 September 2014 until 22 September 2019 which would "continue thereafter on a monthly basis" ("the Tenancy").
- 11. The Tenancy was a Short Assured Tenancy in terms of the Housing (Scotland) Act 1988 further to the Applicant issuing the Respondent with a notice under section 32 of the 1988 Act (an "AT5") on 22 September 2014, prior to commencement of the Tenancy.
- 12. On 17 November 2024, the Applicant drafted a Notice to Quit in correct form addressed to the Respondent, giving the Respondent notice that the Applicant wished her to quit the Property by 22 January 2025.
- 13. On 17 November 2024, the Applicant's agent drafted a Section 33 Notice under the 1988 Act addressed to the Respondent, giving the Respondent notice that the Applicant required possession of the Property by 22 January 2025.

14. 22 January 2025 is an ish date of the Tenancy.
15. On 19 November 2024, the Applicant competently served each of the notices upon the Respondent by recorded delivery. The Respondent was thus provided with sufficient notice of the Applicant's intention that the Tenancy was to terminate on 22 January 2025.
16. On or around 2 May 2025, the notice period under the notices having expired, the Applicant raised proceedings for an order for possession with the Tribunal, under rule 66, the grounds of which being: that the Tenancy had reached its ish; that tacit relocation was not operating; that no further contractual tenancy was in existence; that notice had been provided that the Applicant required possession of the Property all in terms of section 33 of the 1988 Act; and that it was reasonable to make the order.
17. A section 11 notice in the required terms of the Homelessness Etc. (Scotland) Act 2003 was served upon Glasgow City Council on 5 February 2025 on the Applicant's behalf.
18. On 10 October 2025, a Sheriff Officer acting for the Tribunal intimated the application and associated documents upon the Respondent, providing the Respondent with sufficient notice of the CMD of 18 November 2025.
19. The Applicant seeks to recover possession of the Property so that his adult son and his spouse may occupy it as their family home, and partially relieve overcrowding in the Applicant's own home.
20. The Respondent is in substantial rent arrears, as no rent has been paid since 22 May 2020.
21. The Respondent lives in the Property with her adult daughter.
22. The Respondent's 8-year-old grandson stays at the Property two days a week.
23. The Respondent's daughter has health issues that have resulted in in-patient hospital care, and was receiving in-patient care as at the date of this Decision.
24. The Respondent has anxiety and other health conditions for which she receives medication.
25. The Respondent has been seeking rehousing from a local housing association but has not yet been rehoused.

Reasons for Decision

26. The application was in terms of rule 66, being an order for possession upon termination of a short assured tenancy. We were satisfied on the basis of the application and supporting papers that the necessary notices had been served with sufficient notice and thus the requirements of the 1988 Act had been

complied with. In any event, the Respondent's agent confirmed that she was extending no defence or dispute to the notices.

27. We require, in terms of the 1988 Act as currently amended, to consider "that it is reasonable to make an order for possession". On this, the Respondent offered no opposition and indeed consented to the order, subject to seeking a short suspension. This suspension was opposed though the Applicant's agent was satisfied for us to make a decision on it at the CMD and sought no continuation for witness evidence or documentary evidence.
28. The Respondent accepted the sizable arrears, and offered to make payment of rent going forward. The only disputed evidence was whether or not the Respondent was unaware of the arrears until recently. We decline to make a finding on this matter. Given the material agreement on all other matters, we can consider the application in full notwithstanding this factual dispute.
29. We were thus satisfied that the Applicant's reasons for seeking eviction were reasonable and it was reasonable to evict. The only controversy was whether to suspend. We found the Respondent's argument overwhelming. She has complexity in her home life and a significant need for proper advice. The time of year will be one when there is significant strain on advice agencies and downtime due to the festive period. The Applicant provided no vouching for any of his submissions on reasonableness. For instance, we were unaware of the length of time the apparent over-crowding in his home has been occurring nor the date his son was married. His agent candidly confirmed that he did not even know if the spouse lived at the Applicant's home.
30. We were satisfied that the prejudice to the Respondent and her family of an eviction in 31 days outweighs any prejudice to the Applicant of this short suspension. In the circumstances before us, we were thus satisfied that it was reasonable to grant the application with a suspension until 13 January 2026.
31. The Rules allow at rule 17(4) for a decision to be made at a CMD as at a hearing before a full panel of the Tribunal. On the basis of the information held, we are thus satisfied to grant an order for eviction at this time but with the earliest date of eviction suspended until 13 January 2026.

Decision

32. In all the circumstances, we make the decision to grant an order against the Respondent for possession of the Property under section 33 of the Housing (Scotland) Act 1988 suspended as stated above.
33. We refuse any motion for expenses. The Applicant provided no detail of any "unreasonable behaviour in the conduct of the" application that "has put the other party to unnecessary of unreasonable expense" per the test in Rule 40(1). We could discern none from the application papers, as this was a first CMD and the Respondent engaged a solicitor who provided helpful submissions and a material concession.

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.

Joel Conn

18 November 2025

Legal Member/Chair

Date