



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/0701

Re: Property at 16 Midlock Street, 1/1, Glasgow, G51 1SL (“the Property”)

Parties:

Shakeel Khan, 3 Kingsland View, Glasgow, G75 8WF (“the Applicant”)

Mustansar Latif, Faiza Ashraf, 16 Midlock Street, 1/1, Glasgow, G51 1SL (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is an application for an eviction order received in the period between 18th February and 8th April 2025. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties commencing on 15th July 2023, a notice to leave with evidence of service, evidence to support the ground of eviction, and a section 11 notice with evidence of service.
2. Notification of the application and Case Management Discussion was made upon the Respondents by personal service by Sheriff Officer on 10th September 2025.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 23rd October 2025. The Applicant was present and represented by Mr Sattar, Apex Property Services. The Respondents were not in attendance.
4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the

Respondents. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondents.

5. Mr Sattar said there had been no recent contact with or communication from the Respondents. Mr Sattar explained the Applicant is living in a five-bedroom property with his wife, two adult children and two foster children. The property is slightly overcrowded. The Applicant's adult daughter is getting married and intends to live in the Property. The Applicant's son intends to move into another property owned by the Applicant and currently let. The Applicant and his wife require more room for the foster children.
6. Mr Sattar said the Respondents have been good tenants. They have resided in the Property for around ten years, previously on an assured tenancy, with the current private residential tenancy being put in place on 15th July 2023. The Respondents indicated to Mr Sattar last year that the Property is not suitable for them as it only has one bedroom and they have two children aged around nine and twelve. They informed Mr Sattar that they had been in touch with a housing association and had been told they required an eviction order to get priority for social housing.
7. Mr Sattar said the Applicant's daughter does not intend to move into the Property until mid-January 2026, after her marriage, so the Applicant would not be seeking to enforce an order before that time. Responding to questions from the Tribunal, Mr Sattar said there would be no objection to delaying execution of the order for a period to assist the Respondents.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property on 15th July 2023. There had previously been an assured tenancy in place between the parties.
 - (ii) A qualifying member of the Applicant's family intends to live in the let property.
 - (iii) A qualifying member of the Applicant's family intends to occupy the let property as their only or principal home for at least 3 months.
 - (iv) The Applicant has served notice to leave upon the Respondents.
 - (v) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 5 of Schedule 3 of the 2016 Act provides that it is an eviction ground that a member of the landlord's family intends to live in the let property. The Tribunal may find that the ground applies if a qualifying member of the

landlord's family intends to occupy the let property as that person's only or principal home for at least 3 months.

10. The Tribunal is satisfied that Ground 5 has been established, in that the Applicant's daughter intends to occupy the Property as her only or principal home for at least 3 months.
11. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondents in terms of the Act.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties. There is a need on the part of the Applicant for his daughter to leave the slightly overcrowded family home and move into the Property. The Applicant's daughter is getting married and requires a home in which to live. The Respondents did not attend the CMD or put forward any representations to assist the Tribunal in considering the impact of an eviction order upon them and their family. The Tribunal noted there are children in the Property who may be affected by the granting of an order. The Tribunal noted the representations made by and on behalf of the Applicant that the Property is one-bedroom, which would not appear to be suitable for a family of four, and that the Respondents have previously stated they were seeking social housing and required an order.
13. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondents to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondents failed to do so. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order.

Decision

14. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 5th January 2026.

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.

H Forbes

Legal Member/Chair

23rd October 2025
Date