



**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/24/4111

**Re: Property at 4/2, 300 Meadowside Quay Walk, Glasgow, G11 6AX (“the
Property”)**

Parties:

**Mr Christopher Burke, Mrs Karen Burke, 11 Orsino Boulevard, North Coogee,
Australia (“the Applicants”)**

**Mr Hassan Aaron Bandi, 4/2, 300 Meadowside Quay Walk, Glasgow, G11 6AX
 (“the Respondent”)**

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicants were entitled to an order for the
eviction of the Respondent from the property but that enforcement of the order
should be suspended until 5 January 2026.**

Background

1. By application dated 4 September 2024 the Applicants 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 Applicants submitted a copy of the tenancy agreement together with a Notice to Leave, Section 11 Notice and other documents in support of the application.
2. By Notice of Acceptance dated 27 September 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. By email dated 23 January 2025 the Applicants submitted a further application to the Tribunal together with another Notice to Leave, rent statement and letting agent's income statement and applied to amend the ground for eviction from ground 3 of schedule 3 to ground 12 of schedule 3 of the 2016 Act.
4. Intimation of the CMD was served on the Respondent by Sheriff Officers on 11 February 2025
5. A CMD was held by teleconference on 20 March 2025. The Applicants both attended in person as did the Respondent. After hearing from the parties and being advised by the Respondent that he had found employment and was in a position to pay the full amount of the rent together with additional sums to clear the arrears of £12150.00 and that his baby son and his partner had been unwell the Tribunal determined to continue to the application to a hearing on whether or not it was reasonable to grant the order sought under ground 12 of schedule 3 of the 2016 Act. The Tribunal directed the Respondent to provide documentary evidence about the Respondent's baby's health and also that of his partner in advance of the hearing.
6. By email dated 16 September 2025 the Applicants submitted further written representations and productions to the Tribunal. These showed that the Respondent had made five payments of £500 (a total of £2,500) towards the Payment Order of £12,150 granted previously in the conjoined case, reference HPC/EV/24/4111.

The Hearing

7. A hearing was held by video link on 2 October 2025. The Applicants both attended in person as did the Respondent.
8. By way of a preliminary matter the Tribunal queried with the Respondent why he had not complied with the direction to provide documentary evidence about his baby's health and the health of his partner. The Respondent said that he had sent the information to the Tribunal administration about one month after the CMD. The Tribunal clerk confirmed there was no trace of an email being received. The Respondent offered to send the documents again. Once received by the Tribunal clerk the documents, consisting of the birth certificate of Charbel Star Tienagbeso (born 06/09/2024) and his medical registration details and records dated 07/01/2025, were forwarded to the Tribunal and the Applicants.
9. Mr Burke referred the Tribunal to the Applicants submissions dated 16 September 2025. He said the Respondent's rent arrears were significant and that there was a pattern of late payments with the letting agents having to

chase the Respondent every month for payment. Mr Burke referred the Tribunal to attachments 2 and 3 of his email of 16 September in this regard. Mr Burke went on to suggest that the Respondent was a high earner who was someone who did not want to pay rent rather than someone who could not pay rent.

10. Mr Burke spoke of attending at the property during a routine inspection of the property some days after the CMD and referred the Tribunal to the photographs taken by his letting agents at that time (Attachment 4). Mr Burke said that there was no evidence of a baby living in the property at that time. Mr Burke also said that a further inspection had taken place the previous week and again there was no evidence of a baby living at the property and he said that he believed that the Respondent's claim was a fabrication. Mr Burke also pointed out that the baby's address registered with his doctor was not the Respondent's address.
11. Mr Burke went on to say that there appeared to be numerous unregistered tenants living at the property and the Respondent had failed to provide their details when requested by the Applicants' letting agents. Mr Burke submitted this was a safety hazard.
12. Mrs Burke submitted that she had been advised by the letting agents following their most recent inspection that the upkeep of the property was deteriorating. Mrs Burke went on to say that she and her husband did not have any other income in the UK and the ongoing issues with the Respondent was causing stress and affecting her family. Mrs Burke also said that she was at risk of losing her job and referred the Tribunal to attachment 7. Mrs Burke confirmed she was employed as a project manager and that the local area was small and it was not possible to say if she would easily find another position in the area.
13. In response to a query from the Tribunal Mr Burke said that it was the Applicants' intention to eventually sell the property but they were undecided about the short term. Mr Burke explained that the property needed some repairs and Mrs Burke explained that Mr Burke's father was ill and that they might use the property when visiting him.
14. In response to a further query from the Tribunal as to the Respondent paying £500.00 each month to reduce the debt, Mr Burke whilst acknowledging that this in some way was mitigating the Applicants' loss, he was not confident that the Respondent would continue to make payment if the application was refused. Mr Burke said that the Respondent had said at the CMD that the debt would be cleared by the end of 2025 but there was no evidence that was going to happen. Mr Burke went on to say that the non-payment of rent had a direct financial impact on the Applicants who had still to pay the mortgage

over the property of about £500.00 per month and the factor's fees of about £4000.00 per year.

15. Mr Bandi said that since the CMD he had made all the payments of rent that were due and although he had requested the letting agents to change the payment date to coincide with the date his salary was paid this had been refused on the instructions of the Applicants and this had contributed to the late payments.
16. Mr Bandi suggested that a cot had not been seen at the property during the inspection in April as the baby had been sleeping in the bed and that on the second inspection the cot had been stored in a cupboard.
17. Mr Bandi said that the mother and child staying in the apartment was his sister-in-law and her child. Mr Bandi disputed that the property was in a state of disrepair but that it may not have been as tidy because there was a child in the property. Mr Bandi went on to say that his sister-in-law was in the process of looking for another property. Mr Bandi also explained that his sister-in-law had given birth to another child two days earlier. Mr Bandi also said that at present his parents were staying in the property as his father had been diagnosed with a serious illness that had required urgent treatment at a local private hospital at a cost of £20000.00 about two months previously and was still receiving treatment but his parents would in due course return to their own home. Mr Bandi said that these issues had impacted on his personal circumstances.
18. In response to a query from Mr Burke, Mr Bandi confirmed he was speaking from another flat in the same building as the property that he said belonged to a friend and that he used as an office but denied he rented. Mr Bandi said he used his friend's address for business purposes and had a company that he still used registered at that address.
19. In response to a further query Mr Bandi remained adamant that his partner and baby were living in the property along with his sister-in-law and his parents and sometimes his brother. Mrs Burke pointed out it was a two-bedroom property and that at both inspections there had been no evidence of a baby living at the property.
20. In response to a query from the Tribunal Mr Bandi confirmed that he was looking to find other accommodation and was not opposing the application but would like some additional time to find a suitable property for himself and his partner and baby and also for his sister-in-law to find a property from a housing association and for his parents to return to their home. Mr Bandi suggested a period of six months would be appropriate. Mr Bandi said that he was employed as a business analyst on a permanent contract with a local

authority in Yorkshire but had only been to the office twice and could work from home.

21. For the Applicants, Mr Burke said that he did not have any reason to trust the Respondent and delaying enforcement of any order would just unnecessarily prolong matters. Mr Burke also suggested that the Respondent may have access to other properties at his disposal and there were other properties to rent at much lower rents available.

Findings in Fact

22. The parties entered into a Private Residential tenancy that commenced on 3 February 2024 at a rent of £1350.00 per calendar month.
23. The Respondent was served with a Notice to Leave in terms of Ground 12 of schedule 3 of the 2016 Act on 12 September 2024.
24. Intimation of the Proceedings was sent to Glasgow City Council by email on 28 August 2024.
25. The Respondent fell into arrears of rent in July 2024 and failed to pay any rent thereafter until April 2025.
26. The Respondent currently owes the Applicants rent amounting to £9650.00.
27. The Respondent has paid the full rent from April 2025 to September 2025 together with a further payment of £2500.00 towards the arrears.
28. Mrs Karen Burke is at risk of being made redundant at the end of 2025.
29. The Applicants intend in the longer term to sell the property but are undecided what to do with the property in the short term but may reside in it when visiting Mr Burke's father.
30. The Applicants have a mortgage over the property that costs them about £500.00 per month.
31. The Applicants pay factoring charges for the property of about £4000.00 per year.
32. The Respondent is looking to move from the property.
33. The Respondent's sister-in-law is currently staying in the property with her 3-year-old child and has just had another baby.

- 34. The Respondent's sister-in-law has applied for housing association housing.
- 35. The Respondent's parents are currently living in the property
- 36. The property has two bedrooms.

Reasons For Decision

- 37. The Tribunal was satisfied from the documents produced and the oral evidence of the parties that the parties entered into a Private Residential tenancy that commenced on 3 February 2024 at a rent of £1350.00 per month.
- 38. The Tribunal was also satisfied that the Respondent was served with a valid Notice to Leave in terms of Ground 12 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings was sent to Glasgow City Council by way of a Section 11 Notice. The Tribunal was therefore satisfied that procedurally the Applicants were entitled to an order for eviction subject to it being reasonable for the Tribunal to grant the order.
- 39. In considering whether or not it was reasonable to grant the order sought by the Applicants the Tribunal took account of the very substantial amount of rent arrears that had accrued and although the Respondent was making payment of the rent in full even if he continued to clear the arrears at the current rate of £500.00 per month it would still take at least a further eighteen months for the debt to be paid. In addition, the Respondent said that he was not opposing the order being granted but that he needed some additional time to find accommodation not only for himself but also for his sister-in-law and her family. Given that the Respondent's sister-in-law has now two young children and has applied for social housing the Tribunal anticipates if made homeless she will be given some priority for housing but that this may take some time. The Tribunal has also taken account of the Respondent's father's illness and whilst given the size of the property it is not entirely satisfactory that the Respondent's parents are living there the Tribunal considers that some leeway should be given for them to remain for a further short period. The Tribunal has some reservations as to whether or not the Respondent's partner and son are in fact living at the property certainly on a permanent basis and there was little compelling evidence to support the Respondent's position in this regard. The Applicants are clearly anxious about the situation they find themselves in and the Tribunal understands that it must be a worrying time for them as Mrs Burke is in danger of being made redundant. However, the Applicants have an order for payment against the Respondent and he is in full time employment in a reasonably well paid job. If the Respondent wishes to obtain another rental property it is clearly in his interests to continue to keep paying the full rent for the property and to reduce the arrears. The Tribunal did not consider it would be fair to the Applicants to suspend enforcement of an

order for eviction for six months as the Respondent had suggested but as there are young children living at the property and taking account of all the circumstances of both parties as outlined above the tribunal determined that it would be appropriate to suspend enforcement of the order until 5 January 2026.

Decision

40. The Tribunal having carefully considered the documentation before it and the oral evidence of the parties find the Applicants entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended until 5 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.

**Graham Harding
Legal Member/Chair**

**2 October 2025
Date**