

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/25/1401

Re: Property at 33 Waukglen Drive, Glasgow, G53 7UG (“the Property”)

Parties:

Mr Oosman Sarwar, 45 Teasel Avenue, Glasgow, G53 7UH (“the Applicant”) and

The Property Store, 111 Albert Drive, Glasgow, G41 2SU (“the Applicant’s Representative”) and

Miss Holly Durning, 33 Waukglen Drive, Glasgow, G53 7UG (“the Respondent”)

Tribunal Members:

G McWilliams- Legal Member
A Khan- Ordinary Member

Decision

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

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant, Mr Sarwar, through his Representative, had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Glasgow City Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Miss Durning, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 4th November 2025, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 6th January 2026

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 6th January 2026. The Applicant's Representative's Mr A Ahmed and the Respondent Miss Durning attended.
5. Mr Ahmed referred to the Application papers. He stated that Mr Sarwar still wishes to proceed with the sale of the Property and that a purchaser has been arranged. He said that Mr Sarwar has two other residential properties which are rented and he also wishes to sell them. Mr Ahmed stated that Mr Sarwar wishes to buy commercial properties instead. He said that Miss Durning has been an excellent tenant and that he and Mr Sarwar will support her in respect of her current applications to housing associations for another tenancy.
6. Miss Durning stated that she has applied to housing associations for a tenancy for herself and her two young children, aged 3 and 1. She said that the housing associations have informed her that they will deal with her applications when an eviction order is granted. Miss Durning stated that she thinks it is best that the order be granted as soon as possible. She said that she does not wish there to be a deferred enforcement date in respect of the order. Miss Durning stated that she was in agreement with everything that Mr Ahmed had said.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting documents. The Tribunal also considered the statements and submissions made by Mr Ahmed and Miss Durning at the CMD. Having done so, the Tribunal found in fact that Mr Sarwar seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that Mr Sarwar, and Miss Durning, both seek the grant of an eviction order the Tribunal also found that it is reasonable to make such an order.

Decision

10. The Tribunal therefore makes an eviction order as sought in this Application.

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.

6th January 2026

Tribunal Legal Member

Date