

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/25/1870

Re: Property at 58 Colwood Avenue, Glasgow, G53 7XT (“the Property”)

Parties:

Mrs Shafaq Afza Khan, 5 Deaconsbank Gardens, Glasgow, G46 7UP (“the Applicant”)

Miss Tasneem Sharif, 58 Colwood Avenue, Glasgow, G53 7XT (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (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 1 May 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. 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 8 April 2024, a Notice to Leave dated 21 January 2025 advising the Respondent that an application to the Tribunal under Ground 4 would not be made before 19 April 2025, and Affidavits dated 12 June 2025 by the Applicant and her father in which they stated that the Applicant and her husband and their three children, aged 13, 12 and 8, had been living with the Applicant’s father since they returned from Pakistan on 9 February 2025 to live permanently in Scotland. They had intended moving into the Property and had served notice on the Respondent, but she had remained in the Property. The

Applicant, her husband and three children were having to share two bedrooms in the Applicant's father's house. This had placed a considerable strain on the living conditions and was not a sustainable long-term solution for anyone involved.

3. On 29 October 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 19 November 2025.
4. On 15 December 2025, the Respondent advised the Tribunal that she did not intend to oppose the application.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 18 December 2025. The Applicant was represented by Mr Tahir Bashir of Patawary Ltd, trading as GPS, Glasgow. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that the Applicant's position remains unchanged. He understood that the Respondent has teenage children living with her and that she has applied to the local authority to be rehoused but has been told that they will not assist her until she has an Eviction Order made against her, with an eviction date.

Reasons for Decision

7. 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.
8. 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.
9. 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.
10. The Tribunal was satisfied from the evidence provided that the Applicant intends to live in the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.

11. The Tribunal noted that the present living arrangements for the Applicant and her family are not satisfactory, with three children, two of them teenagers, sharing a bedroom. The Tribunal also noted that the Respondent had stated that she is not opposing the application and that she appeared to have been in contact with the local authority but required an Eviction Order before they would assist in rehousing her.
12. 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

George Clark

18 December 2025

Legal Member/Chair

Date