

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/25/1536

Property : 2F, Laird Place, Glasgow G40 1JS (“Property”)

Parties:

Ian Mckemmie, 29 Largie Road, Glasgow G43 2RD (“Applicant”)

Muftah Faraj Mohammed, 2F, Laird Place, Glasgow G40 1JS (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Jane Hepenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 7 November 2020; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 1 November 2024 ("Notice to Leave"); notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; copy email dated 6 April 2025 to Melanie Sutherland regarding the sale of the Property and an email exchange between the Applicant and Thenue Housing Association Ltd regarding the sale of the Property. A Case Management Discussion (“CMD”) was fixed for 19 December 2025. The Application was served on the Respondent by sheriff officer on 7 November 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 19 December 2025 by teleconference. The Applicant was in attendance as was the Respondent. The Respondent told the Tribunal that he did not oppose the application. He said that he had been in touch with the local authority who had told him that an eviction order required to be granted before

they could progress his application for alternative housing. The Respondent told the Tribunal that he lives in the Property with his wife and four children, the youngest of whom was born in 2017.

The Applicant told the Tribunal that the Notice to Leave was hand delivered to the Respondent on 1 November 2024. The Respondent confirmed that was correct. The Tribunal noted that the evidence of intention to sell was a copy email to Melanie Sutherland and asked who she was. The Applicant said she was an administrator at the firm of solicitors that he instructs. He said the solicitors are called Holmes MacKillop.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 7 November 2020.
2. A Notice to Leave was served on the Respondent by hand delivery on 1 November 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 29 January 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, 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 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a copy email dated 6 April 2025 to Melanie Sutherland regarding the sale of the Property and an email exchange between the Applicant and Thenue Housing Association Ltd regarding the sale of the Property..

The Tribunal considered the question of reasonableness. In all the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 19 December 2025