



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/25/2457

Re: Property at Flat 1/2, 52 Clifford Street, Glasgow, G51 1PB (“the Property”)

Parties:

Mr Hammad Arshad, 68 Gower Street, Glasgow, G41 5GU (“the Applicant”)

Mrs Samina Bibi, Address Unkown (“the First Respondent) and Mr Sayed Gillani, Flat 1/2, 52 Clifford Street, Glasgow, G51 1PB (“the Second Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction against the second respondent.

Background

1. By application submitted dated 9 June 2025 the applicant seeks an order for eviction on ground1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notices to leave with proof of service
 - Homeowners report dated 16 June 2025
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
3. A case management discussion (“cmd”) was assigned for 4 February 2026.

Case management discussion – 4 February 2026- teleconference

4. The applicant was represented by Mr Ullah, Letsbwise Glasgow Ltd. Neither respondent was in attendance. Sheriff Officers had served papers personally on the second respondent on 15 December 2025. Sheriff Officers had served papers on the first respondent by leaving them in the hands of the second respondent on 15 December 2025.
5. Mr Ullah sought an order for eviction. He stated that the applicant had a genuine intention to sell the property. He referred to the homeowners report that had been submitted. He stated that a buyer was interested in the property and the sale would complete once vacant possession was obtained.
6. Mr Ullah stated that he had spoken with the first respondent in November 2025. The respondents had been married however she had advised him that she had moved out of the property and into a new property as a result of relationship breakdown.
7. Mr Ullah stated that he had spoken to the second respondent recently regarding the eviction process. The second respondent had stated that he had had been looking for a 2 bedroom flat to move to and had now found one.
8. Mr Ullah stated that as far as he was aware only the second respondent continued to reside in the property, the first respondent having moved to alternative accommodation some months previously.

Findings in fact

9. Parties entered into a private residential tenancy agreement with a commencement date of 10 December 2018.
10. Valid notices to leave were served on the respondents on 5 February 2025.
11. The applicant has instructed agents to sell the property.
12. The first respondent has not resided in the property for a number of months and has secured alternative accommodation.
13. The second respondent resides alone in the property.
14. The second respondent has identified suitable alternative accommodation.
15. The second respondent has not submitted written opposition to the application and did not attend the cmd to oppose an order for eviction being granted.

Reasons for decision

16. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

17. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

18. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

19. Ground 1 states:

(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph

(1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

20. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondents.
21. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
22. The Tribunal gave significant weight to the fact that the first respondent no longer resided in the property and had secure alternative accommodation. The Tribunal gave significant weight to the fact that the second respondent had taken no steps to oppose the application. The Tribunal had no reason to disbelieve the information provided by Mr Ullah that he had spoken to the second respondent shortly before the hearing and been advised that the second respondent had sourced alternative accommodation which he intended to move into.
23. The Tribunal gave consideration to the position of the first respondent. She had moved from the property due to relationship breakdown. It was possible that the first respondent had not been passed a copy of the case papers by the second respondent. The Tribunal had no reason to disbelieve the information provided by Mr Ullah. The Tribunal considered that as the first respondent had moved to alternative accommodation some months previously it was not necessary to grant an eviction order against her and determined that in the entire circumstances of the case it was reasonable to grant an eviction order against the second respondent.

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.

Mary-Claire Kelly

Legal Member/Chair

Date: 4 February 2026