

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/24/4968

Re: Property at 21 Pentland Avenue, Bathgate, EH48 1HW (“the Property”)

Parties:

**Mr Abdul Aziz, 5 Thorniewood Gardens, Uddingston, G71 6NQ (“the Applicant”)
and**

**Mr Iqbal Ahmed, 5 Thorniewood Gardens, Uddingston, G71 6NQ (“the
Applicant’s Representative”) and**

**Mr Marcin Dombrowski, 21 Pentland Avenue, Bathgate, EH48 1HW (“the
Respondent”)**

Tribunal Members:

G McWilliams (Legal Member)

E Shand (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 Aziz, had provided the Tribunal, in the Application, with copies of the parties’ 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 West Lothian Council.

3. The Respondent Mr Dombrowski, was personally served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 4th December 2025, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 27th January 2026

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 27th January 2026. The Applicant, Mr Aziz, and his Representative, Mr Ahmed, attended as did the Respondent, Mr Dombrowski.
5. Mr Ahmed referred to the Application papers and stated that Mr Aziz still wishes to sell the Property after carrying out necessary repairs. He said that he and Mr Aziz understand that Mr Dombrowski has applied to West Lothian Council for a tenancy and is awaiting the grant of an eviction order to support his application.
6. Mr Dombrowski stated that he has applied to West Lothian Council and Housing Associations for a more suitable tenancy for himself and his 10 year old daughter. He said that he has been told that his applications will be given priority if an eviction order is granted.

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 and the statements and submissions made by Mr Ahmed and Mr Dombrowski at the CMD. Having done so, the Tribunal found in fact that Mr Aziz 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 Aziz and Mr Dombrowski both seek the grant of an eviction order the Tribunal found that it is reasonable to make such an order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 30th March 2026. In reaching the latter decision the Tribunal, in particular, placed reliance on their own knowledge that local authorities are very busy dealing with applications for social housing. Mr Ahmed

and Mr Dombrowski agreed that it was reasonable to have a deferred enforcement date.

Decision

10. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 30th March 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.

G McWilliams

27th January 2026

Tribunal Legal Member

Date