

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/25/2790

Re: Property at 1/1, 561 Cathcart Road, Glasgow, G42 8SG (“the Property”)

Parties:

Ms Kauser Shahzad, 53 Moorhill Crescent, Newton Mearns, Glasgow, G77 6BQ (“the Applicant”) and

Austin Lafferty Solicitors, 213 Edinburgh House, East Kilbride, Glasgow G74 1LJ (“the Applicant’s Representative”) and

Mr Gheorghe Couaciu, 1/1, 561 Cathcart Road, Glasgow, G42 8SG (“the Respondent”)

Tribunal Members:

G McWilliams: Legal Member

H Barclay: Ordinary Member

Decision in absence of the Respondent:

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

Background

1. This is an Application for an eviction order 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”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 10am on 6th February 2026. The Applicant’s Representative’s Ms A Ramzan attended. The Respondent Mr Couaciu did not attend and was not represented. The Tribunal noted that Sheriff Officers served copies of the Application papers, and details of the CMD, upon Mr Couaciu, by posting relevant papers through the letterbox of the Property on 16th December 2025.

3. Ms Ramzan referred to the Application case papers, including the Affidavit sworn on 9th September 2025 by the Applicant's daughter Ms N Shazhad. Ms Ramzan stated that Ms N Shazhad wishes to reside in the Property as soon as possible after some repairs are carried out. Ms Ramzan said that a gas engineer recently attended at the Property, which has two bedrooms, and subsequently reported to the Applicant that there were numerous persons residing there. Ms Ramzan stated she has been contacted by Govanhill Housing Association and informed that Mr Couaciu has applied to them for a tenancy

Findings in Fact and Law and Reasons for Decision

4. 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 ("PRT") if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (5) (1) of the 2016 Act provides that it is an eviction ground that a member of the landlord's family intends to live in the let property and confirms the criteria for the grant of an eviction order on this ground.
6. Therefore, the Tribunal has jurisdiction in relation to claims by landlords (such as the Applicant) for an eviction order against tenants (such as the Respondent) in respect of a tenancy such as the tenancy agreement of the parties.
7. Having considered all of the Application papers and the submission of Ms Ramzan, the Tribunal finds in fact that the Applicant Mrs Shazhad, through her Representative, has provided the Tribunal, in the Application for an eviction order, with copies of the Notice to Leave ("NTL") served on Mr Couaciu and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Glasgow City Council. These documents 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. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (5) in the 2016 Act. The Tribunal further finds in fact that the Applicant's daughter, Ms N Shazhad, intends to reside in the Property.
8. In making its findings in fact the Tribunal relied on the documentation in the Application papers, in particular the terms of Ms N Shazhad's Affidavit. They also relied on the oral submission of Ms Ramzan, the terms of which were consistent with the terms of the relevant documentation.
9. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submission from Mr Couaciu. He is aware of the important nature of the Application but he has not attended at the CMD and has not made any oral or written representations regarding the merits and the reasonableness of the grant of the eviction order sought.
10. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (5) of the 2016 Act is met, as Ms N Shazhad intends to reside in the Property, and that it is reasonable that an eviction order be granted.

Decision

11. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Gheorghe Couaciu, from the Property at 1/1, 561 Cathcart Road, Glasgow, G42 8SG.

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.

Gerald McWilliams

6th February 2026

Tribunal Legal Member

Burr referred to the Application papers, including the Applicant Mr Miller's Affidavit dated 6th March 2025.