



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/3149

Re: Property at 74 Greenacres Drive, Glasgow, G53 7BB (“the Property”)

Parties:

Mr Zulfiqar Shahid, 114 Bellwood Street, Glasgow, G41 3ED (“the Applicant”)

Miss Stephanie Falconer, 74 Greenacres Drive, Glasgow, G53 7BB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (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 order for recovery and possession should be granted in favour of the Applicant.

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. On 20th November 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 19th January 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 11th December 2025.

3. On 21st November 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 21st November 2025.

Case Management Discussion

4. A CMD was held on 19th January 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Mr Atif Ahmend, The Property Store. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. While the Respondent did not submit a submission in advance of the CMD, Mr Ahmed did forward an email from the Respondent dated 17th January 2026 which confirmed her position. Mr Ahmed forwarded this email once the CMD had started. In the email the Respondent stated that was not opposed to an order being granted because the Property is not suitable for her two children as it is only a two bedroom property. She is looking to be rehoused by her local authority or a housing association.
5. Mr Ahmed said that the Applicant is having financial issues. During Covid he had to close his business which was a private taxi company. In addition to this the mortgage rate on this property's mortgage went up significantly. Landlords were prohibited from raising the rent beyond 6% in respect with the legislation after Covid. This caused him to be in debt to his mortgage company of £5500. He has now borrowed the money to pay his mortgage company. However, as there is equity in the Property, he wishes to sell the Property to release the equity which will then address outstanding debts.
6. Mr Ahmed said that the Respondent pays her rent on time and has kept the Property in good condition. He has been trying to work with her to find a solution for both parties. He has spoken to the Respondent to see if she would be able to stay living in the Property at a higher rate rent. The Respondent is not able to do that as she only in receipt of Universal Credit Housing Element and cannot afford to pay any more in rent. In addition, she has said that the Property is too small for her and her children. It is a two bedroom property but she has two daughters aged 16 and 9 years old. She is now overcrowded. She now wants to move into local authority or housing association housing. He was not aware of the Respondent or her family having any disabilities or vulnerabilities.
7. The Tribunal discussed with Mr Ahmed if it would be appropriate to supersede the order for a later date as the Respondent's eldest daughter may be approaching an exam period. Mr Ahmed said that he was not aware of that but that there was no rush to evict her immediately if that was the case. She could stay until such time as the exams were finished. It was the Applicant's focus to to have an Order so that he could get his property back and sell it to reduce his debts. Mr Ahmed also said that the Respondent is finding the process stressful and wishes to be rehoused as soon as possible.
8. The Tribunal was content that it was reasonable to grant an order for eviction.

Findings in Fact and Reasons for Decision

9. The parties entered into a Short Assured Tenancy on 1st February 2015 until 1st August 2015 then on a month to month basis thereafter. An AT5 was signed by both parties on the same date as the lease. The rent payments of £550 are due on the first day of each month.
10. The Applicant now requires to evict the tenant so that he can sell the Property and address outstanding debts.
11. The Respondent is not opposed to an order for eviction being granted as she is overcrowded in the Property. She is looking to be rehoused by her local authority.
12. There are no issues concerning the Respondent and her occupation of the Property. She is up to date with her rent and looks after the Property.
13. The Tribunal was satisfied that there were no other issues of reasonableness before them and that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

14. The Applicant is entitled to for an Order of for recovery of possession.

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.

Gabrielle Miller

19th January 2026

Legal Member/Chair

Date