



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/24/5727

Re: Property at 13 Woodhill Road, Blackridge, West Lothian, EH48 3RN (“the Property”)

Parties:

Mr Hurol Aslan, 125 (1F) Mayfield Road, Edinburgh, EH9 3AJ (“the Applicant”)

Ms Sadia Rahman, 13 Woodhill Road, Blackridge, West Lothian, EH48 3RN (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the property be granted.

Background

1. The application submitted on 13 December 2024 sought an eviction order on the basis of Ground 4 of the 2016 Act, namely that the landlord intends to live in the let property. Supporting documentation was submitted by the Applicant including a copy of the tenancy agreement, Notice to Leave and a signed statement from the Applicant confirming their intention to reside in the let property. The tenancy had commenced on 1 September 2021, although it appeared that the Respondent had occupied the Property since around 2012 by virtue of a previous tenancy agreement(s).

2. Following initial procedure, on 24 February 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 17 July 2025 at 2pm was served on the Respondent by way of Sheriff Officer on 29 April 2025. In terms of said notification, the Respondent was requested to lodge any written representations.
4. Written representations were lodged by the Respondent on 13 May 2025, confirming some health conditions and disabilities of the Respondent, which include hearing and visual impairments. The Respondent also provided some personal/family details and explained that she has been seeking alternative accommodation, but has encountered some difficulties with this. She has looked at alternative private lets but they are too expensive and has also applied for social housing. She has rejected two offers of accommodation already, due to the properties/locales offered being unsuitable to her needs and/or those of her children. She is continuing to actively seek housing but needs to secure suitable housing before she can move out. She explained the assistance and support she requires from family and others in view of her medical conditions and the support and advice she has been seeking from various agencies, including 'Home Start' who had assisted her with her representations.

Case Management Discussion – 17 July 2025

5. The Case Management Discussion ("CMD") took place by telephone conference call on 17 July 2025 at 2pm and was attended by the Applicant, Mr Hurol Aslan, who was accompanied by his wife, Ms Fatima Kotzaojaln, who is the joint owner of the Property and also by the Respondent, Ms Sadia Rahman, who was accompanied by Ms Lisa Callaghan of Home Start, a charity which has been assisting her in connection with her housing situation.
6. There was detailed discussion regarding both parties' respective circumstances, the reasons put forward by the Applicant for their wish to return to live at the Property and the Respondent's position in respect of the application. The Respondent did not wish to comment on anything about the Applicant's circumstances and the reasons given for their wish to live in the Property.
7. There were then discussions regarding the possibility of the Tribunal deciding to grant an eviction order but subject to applying an extension in respect of the eviction date. The Applicant's position was that they respected the Respondent's position and know the difficulties with finding alternative housing at the moment. However, notice was served last year and they have been waiting patiently for the Respondent to move out and then for the Tribunal proceedings to progress. They consider that Council help would be available to the Respondent in the circumstances and would prefer there not to be a long extension. The Respondent's position was that an eviction order was opposed

at the present time but that, if an eviction order is to be granted, an extension would be sought by the Respondent, given her difficulties securing alternative accommodation and her vulnerabilities.

8. The Tribunal Members adjourned to discuss the application in private and, on re-convening, confirmed that, as it appeared that eviction is opposed, at least at the present time, on grounds of reasonableness, the Tribunal would adjourn the application to a full Evidential Hearing, at which further evidence would be heard and the application considered in more detail. It was explained, however, that it was imperative for both parties to consider their positions fully in advance of the hearing and also comply with a Direction to be issued by the Tribunal, requesting the lodging of further representations/documentation by the time-limit(s) stipulated by the Tribunal. In particular, the Tribunal would require confirmation in writing of the Respondent's position regarding the application, as the Tribunal considered this needed clarified as it seemed there was a difference between the written representations lodged by the Respondent prior to the CMD and what had been stated at the CMD. It was explained that, if the Respondent's position was that she simply wished more time to secure alternative accommodation, this should be intimated to the Tribunal to avoid an unnecessary Evidential Hearing. If an Evidential Hearing was to proceed, it was explained that the Tribunal would need to be satisfied that both the Applicant and Respondent had explored all alternative options as regards their housing needs. The Respondent was again urged to seek further advice in the matter.
9. There was some further discussion regarding arrangements for an Evidential Hearing and the CMD concluded. The application was thereafter adjourned to an Evidential Hearing, to take place by video-conference and a Direction issued.

Direction and Further Procedure

10. Following the CMD, a Direction dated 17 July 2025 was issued in the following terms:-

"NOTICE TO THE PARTIES

The Tribunal, on its own initiative and for the purpose of making inquiries, gives the following Direction to the Applicant/Respondent as to the conduct and progress of this Application in terms of Section 16 of Schedule 1 to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017:

1. *The Respondent must provide written submissions to the Tribunal by close of business on 25 August 2025 confirming either:-*
 - (a) *that she opposes the eviction, or*
 - (b) *that she does not oppose the eviction but seeks an extension to the date on which any eviction order would be enforced and, if so, the length of extension sought.*

2. *If eviction is opposed, the Respondent is required to lodge written submissions, documentation or evidence addressing:-*

- (a) the Applicant's stated reasons for wishing to recover possession of the Property and*
- (b) her position as to the reasonableness of the Tribunal granting an eviction order in the particular circumstances of this case.*

Supporting evidence should include:-

- (i) Medical evidence, such as a GP report) confirming her stated health, conditions and disabilities;*
 - (ii) Details and evidence of any steps taken to explore alternative housing options for herself and her family, including any homeless applications made and responses/advice received from the relevant local authority/ies;*
 - (iii) Any other relevant details or evidence about her current personal, financial or other circumstances, including income details and entitlement to any state benefits.*
3. *Within 14 days of receipt of the Respondent's submissions, the Applicant should lodge any further documentation or evidence in support of:*

- (a) their stated reasons for seeking to recover possession of the Property,*
- (b) their response to the Respondent's written submissions and her stated reasons for opposing the eviction (if applicable) or any extension sought; and*
- (c) their position as to the reasonableness of the Tribunal granting an eviction order in the particular circumstances of this case.*

Supporting evidence should include:-

- (i) Details of their current personal, family and financial circumstances;*
 - (ii) Information about any other properties they currently own or rent out to other tenants;*
 - (iii) Any alternative housing options they have considered in respect of their own housing needs, such as purchase or rental of an alternative property.*
4. *At least 14 days prior to the Evidential Hearing, both parties should provide details of any witnesses they intend to call to give evidence at the Evidential Hearing to be fixed in respect of this application, and must make arrangements for the attendance at the Hearing of any such witnesses.*

Note

If eviction is not opposed and the parties can reach agreement on an extended date for enforcement of any eviction order, the Tribunal may proceed to issue an order based on written submissions, without the need for a further hearing in terms of Rule 18 of the Procedure Regulations.

Parties are also advised that a list of advice organisations that may be able to assist is available under the “Useful Links” section of the Tribunal website.”

11. On 16 August 2025, the Respondent emailed the Tribunal attaching copies of two letters dated 13 August 2025 which had been sent on her behalf to West Lothian Council by Visibility Scotland. One of the letters explained, in regard to the eviction proceedings, the need for the Respondent to secure safe, stable and suitable alternative accommodation for herself and her children and requested that the Council assist her in order to avoid homelessness and having to move into temporary accommodation. The second letter explained in further detail regarding the Respondent’s visual impairment and her specific housing needs.
12. The Respondent did not otherwise comply with the Direction and did not confirm her position with regard to the application prior to the Evidential Hearing.
13. The Applicant did not submit anything further in response to the Direction but they did email the Tribunal on 8 October 2025 requesting an update on the proceedings.
14. Parties were notified of the date and arrangements for the Evidential Hearing scheduled for 16 January 2026, on 11 November 2025. Due to an administrative error, this was scheduled for a telephone-conference hearing, rather than a video-conference hearing.
15. There was no further correspondence from either party prior to the Evidential Hearing.

Evidential Hearing – 12 January 2026

16. The Evidential Hearing took place by telephone conference call on 12 January 2026 at 10am, although it was a little late starting due to confusion as to the administrative arrangements for the hearing. It was attended by the Applicant, Mr Hurol Aslan and also by the Respondent, Ms Sadia Rahman, who was accompanied by Ms Fiona Murray of Ears Independent Advocacy.
17. After introductions and introductory remarks by the Legal Member who apologised for the late start, it was confirmed that both parties were happy to proceed by way of telephone-conference. Mr Aslan confirmed that an eviction order was still sought and Ms Rahman confirmed that this was opposed. The Legal Member referred to the lack of response to the Direction, particularly with regard to the Respondent. It was explained by Ms Murray that they had taken over representation of the Respondent from her previous representative and that the Respondent had now made homeless applications to both West Lothian and Fife Councils but had not yet been offered any alternative accommodation. Reference was made to the letters to West Lothian Council which had been lodged by the Respondent in August 2025, following the CMD. Both parties confirmed that they had no witnesses. The hearing process was

explained to parties. It was also explained that, as well as being satisfied that the ground for eviction being relied upon by the Applicant was met, the Tribunal also required to be satisfied that it was reasonable, in all the circumstances, for an eviction order to be granted. It was explained that this involves the Tribunal considering the circumstances and arguments put forward by both parties. The hearing thereafter proceeded and evidence was heard from both Mr Aslan and Ms Rahman. Both parties were asked questions by the Tribunal Members throughout and the hearing thereafter concluded.

Evidence of Mr Hurol Aslan – Applicant

18. Mr Aslan confirmed that their intention was unchanged. They are seeking eviction under ground 4 so that they can live in the Property as their principal home. It was their family home previously. The property they currently live in is no longer suitable for them. They served notice on their tenant and also the required notice on the local authority. They appreciate this is difficult for their tenant and they have not taken this decision lightly. They are just trying to regain their family home. They are a family of four with two daughters, aged 14 and 16. They currently live in a flat without a garden. This is not a suitable long-term home and they need a stable family home. The flat they currently live in is owned by them and there is a mortgage over it. It is in Edinburgh city centre and they moved there due to school catchment areas. They originally tried unsuccessfully to sell their home in West Lothian. They managed for one year paying the two mortgages before they decided to rent to the Respondent. Their children have now both finished primary school and attend secondary school in Edinburgh. It is intended that they will continue there and transport will be provided for them. It is around a 25 minute drive from the Property. Their family is currently sharing a flat, with immediate neighbours all around. They are not permitted pets in the flat and wish to adopt a rescue pet. The flat has two bedrooms and a boxroom, which is an extension of the living room, a small bathroom and kitchen. The Property is better suited to family life, being a house with three bedrooms, two reception rooms, a larger kitchen, a dining area and garden.
19. Mr Aslan confirmed that he works full-time for a company in Fife as a senior systems engineer. He sometimes commutes to work and sometimes works from home. His wife (the second Applicant) is also employed full-time as a regulator and sometimes works at home and sometimes at an office. They have not looked into renting another house for themselves as this would involve an additional, unnecessary change for their family. Nor could they buy another house for themselves as this would involve taking on another mortgage and would be unaffordable. Mr Aslan confirmed that there is roughly 10 years still to run on the mortgage over the Property and the mortgage on their current flat has a bit longer than that to run. They also own two other flats which they rent out in addition to this Property. One is in South Queensferry and the other in Gorgie Road, Edinburgh. There are currently tenants in both and neither would be suitable to the Applicant's family as they are small studio flats.
20. The Respondent had no questions for the Applicant.

Evidence of Ms Sadia Rahman – Respondent

21. Ms Rahman said that she had no comments to make on Mr Aslan's evidence or the reasons stated for the Applicant's wish to recover their Property. She wishes to oppose the application as she has two young children and a visual and hearing impairment. Her two children are at a local primary school and nursery, very close to the Property. She does not want to have the upheaval involved if they require to move school. Ms Rahman is hoping that a decision is reached in this matter as she has been living in limbo for some time. She has applied for housing through her local authority, West Lothian Council and also through Fife Council, as she has family there who can provide her with support. Her preferred option is to continue residing in the Property and, although she would like to be closer to her family, her priority is to minimise disruption to her children. West Lothian Council is therefore her preferred option out of the two authorities to whom she has applied.
22. Ms Rahman confirmed that her benefits currently amount to around £1,800 per month, being £779 Adult Disability Payment and £1,099 Universal Credit. Her monthly rental is currently £750 and her rent account is all up to date, with no arrears. She has looked at alternative private lets but they are too expensive. She would also prefer to obtain a Council house as this provided more security.
23. Ms Rahman has lived at the Property since 2011, initially with her ex-husband, but they subsequently separated and she entered into this tenancy in 2021. She is registered with a significant sight impairment and deafness. She is familiar with the house and area and it will cause her additional difficulties to move elsewhere, for example, with travelling. She would require to be provided with additional support to help her transition. Ms Rahman confirmed that this particular Property has not been physically adapted in any way in connection with her disabilities. She has no family support in West Lothian and relies on support from organisations, such as the one Ms Murray works for and formerly had assistance from Homestart which ended when her current worker left that organisation. She has sought assistance through the homelessness team at West Lothian Council and made application to them. She has additional 'points' due to her disabilities. Reference was made to the letters submitted on Ms Rahman's behalf to West Lothian Council regarding her housing needs by Visibility Scotland. The position would likely be the same in Fife, where she has also applied for housing, though not through the homelessness route as yet. She has not been given any exact timescales for being provided with accommodation if an eviction order is granted but understands it can take around two years to be given permanent accommodation through a homeless application. She was told at the outset that this could mean being provided with hotel or other temporary accommodation initially. If eviction is to be granted, she would seek an extension on the earliest eviction date to allow further time

for her housing applications. Ms Rahman confirmed that neither she, nor her children, have any other health or other conditions of which the tribunal should be aware.

Summing-up

24. Mr Aslan summed-up by stating that he appreciated the Respondent's position but considered that Ms Rahman's circumstances would mean that there would be increased priority in her case for housing through the local authority. He and his wife have been supportive of her throughout and would continue to be supportive in any way they could to assist her through this process. He would comply with whatever reasonable arrangements the Tribunal consider appropriate in relation to the timescale for eviction. However, he stressed that he has to think of his own day-to-day family life and how long the eviction process has already taken. He confirmed that his eldest child was due to sit her Highers around the end of April 2026.
25. Ms Rahman did not wish to add anything in summing-up.
26. Following the conclusion of the hearing, parties were thanked for their attendance. It was confirmed that the Tribunal would thereafter deliberate and issue their decision in writing.

Findings in Fact

1. The Applicant is the joint owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 1 September 2021, although has occupied the Property since around 2011, initially as a joint-tenant with her ex-husband.
3. A Notice to Leave specifying ground 4, dated 16 August 2024, was served on the Respondent by post on 17 August 2024.
4. The date specified in the Notice to Leave as the earliest date a Tribunal application could be lodged was 25 November 2024.
5. The Tribunal Application was received on 13 December 2024.
6. The Applicant intends to live in the Property as their only or principal home for at least 3 months.

7. The Applicant purchased the Property in 2008 and previously lived in the Property, prior to renting it to the Respondent and her ex-husband around 2011.
8. The Applicant husband and wife currently live in a flat which they own in Edinburgh City Centre with their two children, aged 14 and 16.
9. The Applicant's current accommodation is no longer suitable for them as a family and they wish to live in the Property, which is a house with a garden, more space, additional rooms and would allow them to have a family pet.
10. The reason for the Applicant originally moving from the Property to Edinburgh was to do with catchment areas for primary schools.
11. Both of the Applicant's children are now at secondary school in Edinburgh but will be able to travel to Edinburgh to remain in the same secondary school, following their proposed move to the Property.
12. Both the Applicant's current home and the Property are still subject to mortgages and they are unable to afford to purchase or rent another property to live in that will be as suitable to their family needs as the Property.
13. The Applicant owns two other flats in or around Edinburgh but both are small studio flats which are currently rented out to other tenants.
14. The Respondent has remained in occupation of the Property following expiry of the notice period in the Notice to Leave in November 2024.
15. The Respondent opposes the application.
16. The Respondent has applied to both West Lothian Council and Fife Council for social housing but has not yet been offered suitable accommodation.
17. The Respondent has a significant sight impairment and deafness.
18. The Property has not had any physical adaptations made to it to meet her needs.
19. The Respondent lives in the Property, with her two children, aged 3 and 8.
20. The Respondent's children attend a local primary school for nursery and school.

21. The Respondent is a single parent and in receipt of enhanced state benefits due to her disabilities.
22. The Respondent's rent in respect of the Property is currently £750 per calendar month.
23. The Respondent cannot afford an alternative private let as the rents are currently too expensive.
24. The Respondent has lived in the Property for around 14 years and is familiar with the house and local area.
25. The Respondent would face additional difficulties in moving to a different house or area, due to her disabilities.
26. The Respondent has additional 'points' in respect of her housing applications, due to her disabilities.
27. The Respondent has no family support in the local area but has support from various organisations.
28. The Respondent has family living in Fife who can provide her with some support if she obtains social housing there.
29. The Respondent would benefit from an extension on any eviction date in respect of her housing needs.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers, including the application and supporting documentation, the written representations from the Respondent prior to the CMD and the supporting documentation thereafter submitted by the Respondent in response to the Direction. The Tribunal also considered carefully the oral evidence of both parties, and their submissions made, at the Evidential Hearing. The Tribunal regarded both Mr Aslan and Ms Rahman to have been credible and straightforward in the manner in which they gave their evidence and answered the Tribunal's questions.
2. The Tribunal found that the application was in order, that notice had been served timeously and that the application was timeously lodged with the Tribunal, all in accordance with the terms of the tenancy agreement and the legislation.

3. The Tribunal had regard to the terms of Ground 4 of Schedule 3 to the 2016 Act which is as follows:-

“Landlord intends to live in property

4(1)It is an eviction ground that the landlord intends to live in the let property.

(2)The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a)the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months, and

(b)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

(3)References to the landlord in this paragraph—

(a)in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,

(b)in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.

(4)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.”

4. The Tribunal was satisfied that all of the requirements of ground 4 had been met, in that it was satisfied from the evidence that the Applicant landlord had the genuine intention to live in the let property as their only or principal home for a period of at least three months. The Tribunal questioned Mr Aslan, the Applicant, in detail as to his current personal and family circumstances, including the family's current living arrangements. Mr Aslan provided detailed information regarding this and as to the reasons he and his wife wished to move back to their house in West Lothian and the benefits to them in terms of their current circumstances and family life, compared to the city centre flat in which they presently reside. The Tribunal was satisfied that the Applicant's intention was to reside in the Property, on a long-term basis, as their family home. The Respondent did not challenge any of the information provided by the Applicant as to the eviction ground being relied upon. The Respondent's only opposition to the eviction order sought was accordingly on grounds of reasonableness.
5. In assessing reasonableness, the Tribunal weighed up the reasons put forward by the Applicant for their wish to recover the Property and then to move back there to live in as a family, against the circumstances of the Respondent and her reasons for wishing to remain in the Property. The Respondent's primary reason was the proximity of the Property to the school where the older child attended primary school and the younger child attended nursery. She understandably did not wish to disrupt her children. The Respondent also had significant sight and hearing disabilities and the Tribunal accepted that she was vulnerable and would need additional support in connection with any move. She had resided in the Property since around 2011 and was therefore very familiar

with the Property and surrounding area. She had support and assistance from Visibility Scotland and Ears Independent Advocacy. However, the Tribunal noted that this Property had not been specially adapted in any way for Ms Rahman's needs and also that she had no family nearby to provide her with support. Her local authority, West Lothian, had been made fully aware of her housing needs and she had already made a housing application to them, and also now sought assistance from them in connection with potential homelessness. It was noted by the Tribunal that she had previously been made two offers of housing (prior to the CMD) which she had declined as not suitable. However, given that she had already been made offers of housing, her disabilities, her single-parent status and her two young children, the Tribunal considered it likely that she would be considered priority for re-housing in the social sector. Ms Rahman had also made application for local authority housing with Fife Council and hoped to secure housing there, where she had family support available, if she was unable to secure suitable alternative accommodation in the local area near the Property and her children's school and nursery. Ms Rahman herself had conceded that she would like to obtain social housing as it was a more secure form of tenancy.

6. The Tribunal also considered the reasons put forward by the Applicant for the wish to recover the Property and live there again themselves, as their long-term family home. It was apparent to the Tribunal that the Applicant did sympathise with the Respondent's circumstances and had not taken the decision to bring these proceedings lightly. Ms Rahman had been their tenant for a long time and there did not appear to have been any issues in the tenancy. Mr Aslan stressed that they had tried to be supportive of the Respondent and would continue to be so, but that they now had to put their own family needs first. They had previously resided in the Property after purchasing it and had moved to Edinburgh with a view to school catchment areas. Both children were now in secondary school in Edinburgh and would be able to travel to school from West Lothian. Mr Aslan spoke persuasively about how the family had 'outgrown' their city centre flat and wished to reside in their house again, with more space and privacy for them all and with a garden which would allow them to have a pet. The Tribunal was satisfied that the Applicant had also considered other options, such as purchasing another property for them to live in themselves, but that they had discounted other options due to affordability and suitability issues. The Tribunal considered the rights of the Applicant, as owners of the Property, to decide that they now wished to regain possession of it and to reside in it again themselves. The Tribunal also had regard to the Respondent's rights as tenant but did not consider that these should have given rise to an expectation that she would be able to reside in the Property forever, or until, for example, her children finished school. The Tribunal considered it to be an important factor in this case that Ms Rahman had already had formal notice of the Applicant's intention to recover the Property for almost 17 months. Whilst the Respondent was entirely within her rights not to remove from the Property before an eviction order was granted, and had, in fact, taken steps to try and obtain alternative housing, the Tribunal considered that she had had sufficient time to adjust to the possibility that the tenancy may end. The Respondent herself had conceded that she had been living 'in limbo' for a while and would therefore like a decision

in this application made sooner rather than later. In all of the circumstances, the Tribunal determined that it was reasonable for the eviction order sought to be granted.

7. The Tribunal then considered their discretion to extend the usual timeframe for the eviction taking place and the representations made by both parties in this regard. The Applicant was content for the Tribunal to apply any extension it considered reasonable but would prefer if the extension was not lengthy, given the length of time the proceedings had already been ongoing. The Respondent considered that an extension would be beneficial to her. The Tribunal was satisfied that, due to her particular circumstances, it was preferable to allow the Respondent some additional time to work with her representatives and the local authorities to secure housing suitable to her particular needs. The Tribunal considered that it was appropriate to extend the usual timeframe by approximately a further 6 week period. The earliest date for eviction to take place, to be stipulated in the eviction order, will accordingly be **6 April 2026**.
8. The Tribunal's decision was unanimous.

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.



Legal Member/Chair

12 January 2026
Date