

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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/25/2957

Re: Property at Flat 0/1, 47 Nursery Street, Glasgow, GL1 2PL (the Property)

Parties:

Ms Firzena Khan, 2 Mansionhouse Court, Flat 5, Glasgow, G41 3DD (the Applicant)

Castle Residential, 63 Causeyside Street, Paisley, PA1 1YT (the Applicant's Representative)

Mr Mohammed Rashid, Flat 0/1, 47 Nursery Street, Glasgow, GL1 2PL (the Respondent)

Ms Sobia Roohi, Flat 0/1, 47 Nursery Street, Glasgow, GL1 2PL (the Respondent's Representative)

Tribunal Members:

Ms. Susanne L. M. Tanner K.C. (Legal Member)
Ms Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicants, namely that the landlord is entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 9 July 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
 - 3.1. tenancy agreement;
 - 3.2. Copy Notice to Leave, with proof of service
 - 3.3. Section 11 Notice and proof of service; and
 - 3.4. Authorisation to act from landlord.
4. The tribunal's administration obtained the title sheet for the Property which showed that the Applicant is the registered proprietor.
5. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland and the Applicant's Representative is the agent.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 5 December 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 29 January 2026 at 1400h. The Respondent was invited to make written representations in response to the Application by 26 December 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers.
7. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

Case Management Discussion (CMD): 29 January 2026, 1400, Teleconference

8. Ms McLelland from the Applicant's Representative attended on behalf of the Applicant, with a colleague Ms Harper
9. The Respondent attended with his wife, Ms Sobia Roohi as a representative.

Submissions by Respondent's Representative

10. Ms Roohi stated that the Application is not opposed by the Respondent.
11. She stated that the Property is not suitable for their family of seven. It has two bedrooms. Their children are 14, 13, 10, 8 and 4. She and her husband share one bedroom with the youngest child. Her two daughters share another bedroom. Her fourteen year old daughter and her son share the living room. She said that the condition of the Property is not good.
12. The Respondent works and Ms Roohi works part time. The Respondent has diabetes but no other health conditions and no-one else in the family has health disabilities or health conditions.
13. Ms Roohi said that however, they have had trouble finding another suitable property. Ms Roohi said that they are trying their best. They are seeking a three bedroomed property as they cannot afford a four bedroomed property. Some housing associations and letting agents will not let them apply for three bedroomed properties. They have registered with six housing associations and are on waiting lists. The Respondent spoke to the homeless team at the local authority in 2023. The Respondent was told that the local authority would not do anything until they are evicted. The Respondent was told that if a suitable property is not available at that time, the family will be placed in temporary accommodation.
14. Ms Roohi thought that an extension to enforcement of the eviction might be helpful but that it may be more useful to have the order granted with a 30 day period.

Applicant's Representative's submissions

15. Ms McLelland asked the tribunal to make the order with the usual 30 day period before it can be enforced. She stated that the proceedings were started in April 2025. She said that there is no issue with rent arrears. The main issues are overcrowding and the condition of the Property. The Applicant has safety concerns about floorboards that were badly damaged by an unreported leak of water. She stated that the tenants would have to vacate for that repair work to be carried out. The landlord has also had insurance refused due to the condition of the Property.

16. The tribunal makes the following findings-in-fact:

- 16.1. The Applicant is the registered proprietor of the Property.
- 16.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 31 January 2020.
- 16.3. The Respondent lives in the property with his wife and five children aged 14, 13, 10, 8 and 4.
- 16.4. The Property has two bedrooms and a lounge.
- 16.5. The Property is overcrowded.
- 16.6. The Property is in a poor state of repair and remedial works are required.
- 16.7. The Applicant requires to sell the Property with vacant possession.
- 16.8. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent and his family ceasing to occupy it.
- 16.9. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.
- 16.10. Notice to Leave was served on the Respondent on 14 April 2025 under Ground 1 of Schedule 3.
- 16.11. The Respondent continues to reside in the Property with his family.
- 16.12. The Respondent's rent account is up to date.
- 16.13. The Property is not adapted for disabilities.

Discussion

- 17. The Application for an order for eviction was not opposed.
- 18. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
- 19. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction. The property is not suitable for the Respondent and his family due to overcrowding and the condition of the property. The Applicant has safety concerns as a result of the number of people living in the Property and the condition of the Property. The tribunal decided that an extension to enforcement of the order was not appropriate in the circumstances and made the order in the usual terms.

20. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

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Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair

30 January 2026