



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/24/3173

Re: Property at 37 Tiree Place, Glasgow, G77 6UJ (“the Property”)

Parties:

Mr Altamash Pervez, Aisha Shaikh, 2 Waterside Drive, Newton Mearns, G77 6TL; 2 Waterside Drive, Glasgow, G77 6TL (“the Applicants”)

Mr Muhammad Tahir, Tania Tahir Aakasha, 37 Tiree Place, Glasgow, G77 6UJ; 37 Tiree Place, Glasgow, G77 6UJ (“the Respondents”)

Tribunal Members:

Andrew Upton (Legal Member) and Nicholas Allan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) a member of the landlord’s family intends to live in the Property, (ii) it is reasonable to grant an eviction order, and (iii) enforcement of the eviction order should be superseded until 30 June 2026.

Findings in Fact

1. The Applicants are the landlords and the Respondents the tenants of the Property under and in terms of a Private Residential Tenancy Agreement that commenced on 20 April 2021 (“the PRT”).
2. The Applicants are spouses.
3. The Respondents are spouses.
4. Prior to the commencement of the PRT, the Applicants lived at the Property.

5. Prior to the commencement of the PRT, the first named Applicant advised the first named Respondent that his brother-in-law and family had recently moved to Dubai and that the Applicants were moving into the property that his brother-in-law had been in.
6. The Applicants are the heritable proprietors of 2 Waterside Drive, Glasgow, G77 6TL, title to which is registered in the Land Register of Scotland under Title Number REN79786.
7. The Applicants acquired 2 Waterside Drive on 29 October 2015.
8. Between 29 October 2015 and April 2021, 2 Waterside Drive was occupied by Nofal Tariq Shaikh ("Mr Shaikh") and his family. Mr Shaikh is one of four brothers of the second named Applicant. Mr Shaikh and his wife have five children. Their eldest is 22 years old. Their other four children are all of school age.
9. During the tenancy the Respondents have intimated wants of repair to the Applicants that have required the Applicants' attention. On one occasion in or around 2021 the Respondents withheld £250 from the rent payable to compel a repair. In September 2025 there was a burst pipe in a bathroom that caused a substantial escape of water. The burst pipe caused significant water damage. A number of repairs associated therewith remain outstanding.
10. In or around Summer 2023 Mr Shaikh and his family decided to return to Scotland. Their reasons for doing so were (i) to allow his younger children to complete their education in Scotland, and (ii) to be closer to family. Mr Shaikh regularly travels internationally for business. It is important to him that his family are settled near other family.
11. The Parties attend the same Mosque. In or around late Summer 2023 the first named Applicant told the first named Respondent that he would require the Property back because his brother-in-law was coming back from Dubai.
12. By Notice to Leave dated 16 October 2023 the Applicants gave notice to the Respondents that they required possession of the Property on or before 12 January 2024 founding upon Ground 5, which is that a family member of the landlord intends to live in the Property.
13. Following the commencement of military action by the United States of America and Israel against Iran, and the subsequent missile and drone attacks by Iran against targets in Dubai, Mr Shaikh and his family have returned to Scotland. They continue to intend to live in the Property.
14. The Respondents live at the Property with their daughter (aged 17), son (aged 22), daughter-in-law and grandson (aged 21 months).
15. The Respondents' daughter-in-law is heavily pregnant and due in April 2026.

16. The Property has not been adapted for use by the Respondents or any member of their household.
17. Neither the Respondents nor any member of their household accesses any local specialist services.
18. The Respondents' son attends Strathclyde University. He is in his second year of an engineering degree. He is also self-employed as a car interior designer, which is a relatively new business venture.
19. The Respondents' daughter is currently unemployed and applying for further education courses.
20. The Respondents' daughter-in-law is unemployed. She has no other family in the UK.
21. Mr Shaikh intends to occupy the Property as his only or principal home for at least three months.

Findings in Fact and Law

1. Mr Shaikh is a qualifying relative of the second named Applicant.
2. Mr Shaikh is a qualifying relative of a person who is in a qualifying relationship with the first named Applicant.
3. Mr Shaikh is a member of the landlord's family for the purposes of Ground 5 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
4. It is reasonable to grant an eviction order.
5. The PRT shall end on 30 June 2026.

Statement of Reasons

1. This Application called for a Hearing on 17 March 2026 at Glasgow Tribunals Centre. The Applicants were represented by Miss McMillan and were also in attendance. The Respondents were in attendance.
2. The Application arises out of a Private Residential Tenancy Agreement between the Parties that commenced on 20 April 2021 ("the PRT"). In terms thereof, the Applicants are the landlords and the Respondents the tenants. In this Application the Applicants seek an eviction order. They found upon ground 5 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016, which provides as follows:-

"5 Family member intends to live in property

- (1) It is an eviction ground that a member of the landlord's family 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) a member of the landlord's family intends to occupy the let property as that person'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) A member of the landlord's family is to be regarded as having the intention mentioned in sub-paragraph (2) if—
 - (a) the family member is incapable of having, or expressing, that intention, and
 - (b) the landlord and (if different) a person entitled to make decisions about where the family member lives, intend that the family member will occupy the let property as the family member's only or principal home for at least 3 months.
 - (4) For the purposes of this paragraph, a person is a member of the landlord's family if the person is—
 - (a) in a qualifying relationship with the landlord,
 - (b) a qualifying relative of the landlord,
 - (c) a qualifying relative of a person who is in a qualifying relationship with the landlord, or
 - (d) in a qualifying relationship with a qualifying relative of the landlord.
 - (5) For the purposes of sub-paragraph (4)—
 - (a) two people are in a qualifying relationship with one another if they are—
 - (i) married to each other,
 - (ii) in a civil partnership with each other, or
 - (iii) living together as though they were married,
 - (b) “*a qualifying relative*” means a parent, grandparent, child, grandchild, brother or sister,
 - (c) a relationship of the half blood is to be regarded as a relationship of the whole blood,
 - (d) a person's stepchild is to be regarded as the person's child,
 - (e) a person (“A”) is to be regarded as the child of another person (“B”), if A is being or has been treated by B as B's child.
 - (6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to any one of them.
 - (7) Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.”
3. The Applicants offer to prove that the second named Applicant’s brother, Nofal Tariq Shaikh (“Mr Shaikh”) intends to live in the Property as his only or principal home together with his family. The Respondents do not believe that

intention to be genuine. They believe that the story is a fabrication designed to remove them from the Property after persistent complaints of disrepair.

The Evidence

4. The Tribunal heard evidence from four witnesses: (i) Nofal Tariq Shaikh; (ii) Altamash Pervez; (iii) Aisha Shaikh; and (iv) Muhammad Tahir Aakasha.

Nofal Tariq Shaikh

5. Mr Shaikh is a 51 year old business consultant. Until very recently he lived in Dubai with his family, comprising his wife and five children. Following the commencement of the conflict in Iran, and in particular the Iranian missile and drone strikes on Dubai, he has accelerated the family's move to Scotland. Mr Shaikh spoke of a missile strike the previous week a few streets from the family's home in Dubai in which a person was killed and of the fear that had instilled in his children.
6. Prior to the Hearing the Applicants had lodged a witness statement for Mr Shaikh. He adopted that statement as his evidence. He confirmed therein that he is the brother of the second named Applicant. He has five children, one of whom is an adult. All five children live with him and his wife. Four of the children are of school age. His wish is for the children to continue, and complete, their education in Scotland. He also wishes the family to be closer to family living in Scotland.
7. Mr Shaikh spoke of growing up and being educated in Scotland. Mr Shaikh confirmed that prior to living in Dubai he lived at 2 Waterside Drive, which is the Applicants' current home address. He said that he never owned that Property. He described it as being a "family home", by which he meant it was a home owned by the wider family. He had lived there whilst his eldest son attended Hutchison Grammar Secondary School.
8. Mr Shaikh spoke of travelling internationally for his business. He mentioned countries across Europe in which he had business interests and of his involvement in emerging markets. He said that he wanted his family to have a settled home near to family for when he was away. He spoke of his parents, sister and three brothers all living near to the Property. All of his siblings are married with children of their own. His nieces and nephews are of comparable age to his own children.
9. The Tribunal found Mr Shaikh to be credible and reliable. It accepted his evidence in full.

Altamash Pervez (the First Named Applicant)

10. Mr Pervez is 43 years old. In advance of the Hearing he had produced an affidavit dated 12 March 2026 which he adopted as his evidence. In terms

thereof, he confirmed that he requires to recover the Property for his brother-in-law, Mr Shaikh, to live in. He made reference to the purpose being for both the education of Mr Shaikh's children and to allow Mr Shaikh and his family to be closer to the wider family in the area.

11. The first named Applicant confirmed that he purchased his home at 2 Waterside Drive in October 2015. He and his wife bought the property from an unrelated third party. He has mortgage lending over it. When 2 Waterside Drive was purchased Mr Shaikh and his family moved into it. Mr Shaikh's eldest was attending secondary school at that time. The Applicants resided at the Property until Mr Shaikh and his family moved out of 2 Waterside Drive, at which time the Applicants moved to 2 Waterside Drive.
12. The first named Applicant described the Property as a four-bed semi-detached property. It has two bathrooms and a garden. He described it as being a sufficient size for Mr Shaikh and his family. He denied that the purpose of seeking to evict the Respondents was to allow him to re-let the Property at a higher rent. He drew attention to the fact that he had not taken steps to increase the rent since the PRT commenced in 2021.
13. The first named Applicant said that he did not expect there to be a formal rental agreement with Mr Shaikh. The expectation is that Mr Shaikh will cover the mortgage payments and other house expenses.
14. The first named Applicant confirmed that the Property had not been adapted for the Respondents' use. He was not aware of whether the Respondents accessed local specialist services.
15. In cross-examination, the first named Applicant accepted that he had, approximately two years ago, taken access to the Property with estate agents. This occurred whilst the Respondents were in Pakistan and at a time when access to the Property in their absence had been allowed for the purposes of carrying out repairs in the bathrooms. The first named Applicant said that the purpose of that was to obtain a valuation for remortgaging purposes. He conceded that he had not sought express permission to take access with the estate agents. When it was put to him that he had received a text message from the first named Respondent which inferred that access was not to be taken to bedrooms in the Property he could not recall having received that. He could not recall having attended at the Property to view it with any other person. When it was put to him that he had, prior to the commencement of the PRT, described 2 Waterside Drive to the Respondents as his brother's property, he could not recall doing so.
16. The Tribunal found Mr Pervez to be generally credible and reliable in relation to those matters that he could recall and of which he gave positive evidence. In particular, the Tribunal accepted his evidence that he intended to allow Mr Shaikh and his family to live in the Property.

Aisha Shaikh (the second named Applicant)

17. Mrs Shaikh is 42 years old. She also had prepared an affidavit in advance of the Hearing and adopted it as her evidence. It is in broadly the same terms as her husband and confirms the same matters.
18. Beyond that, Mrs Shaikh's evidence was limited. She had no direct contact with the Respondents. They dealt exclusively with her husband. Indeed, Mrs Shaikh said that her family's financial affairs were handled by her husband. In that regard, she was unable to add much to her written statement. It was put to her that she had, prior to the incident discussed with Mr Pervez, attended at the Property with estate agents but she denied that.
19. The Tribunal found Mrs Shaikh to be generally credible and reliable as regards the intention to move her brother and his family into the Property. Beyond that, the Tribunal formed the impression that she was only repeating what she had been told by her husband, or perhaps more accurately what she had heard him say in his evidence. The Tribunal did not afford much weight to her evidence as a consequence.

Mohammad Tahir Aakasha (the First Named Respondent)

20. Mr Aakasha is 46 years old. He is self-employed. His business is in airport transfers and tourism. He lives at the Property with his wife, his seventeen year old daughter, his twenty-two year old son, his daughter-in-law and his twenty-one month old grandson. His daughter-in-law is heavily pregnant. She is due in April 2026.
21. Mr Aakasha spoke about viewing the Property with Mr Pervez in April 2021. He recalled a conversation with Mr Pervez in front of the Property. Mr Aakasha said that he had asked about the Property and indicated that he was looking for a long-term let. Mr Pervez had said that his brother-in-law was moving to Dubai and that Mr Pervez and his wife were moving into his house. The expectation was that a long-term tenancy would be fine, though it would initially be for one year and then rolling month to month. Mr Aakasha spoke of trying to negotiate the rent down before agreeing to £1,250 per month.
22. Mr Aakasha spoke of various repairing issues at the Property over time. He spoke of, within the first year of the tenancy, seeking a repair that the Applicants did not attend to. After two or three months the Respondents withheld £250 from the rent. The repair was then undertaken within one month, though the withheld rent was never paid.
23. Mr Aakasha spoke of water damage to the kitchen ceiling caused by water penetrating between tiles in the bathroom above it. More recently, in September 2025, there was a burst pipe in the bathroom that caused a significant escape of water. Mr Aakasha said that repairs had not been fully completed for that.

24. Mr Aakasha's view was that the Applicants simply want him and his family out of the Property. He has formed the view that he is causing trouble by requiring repairs and they do not want him as a tenant anymore.
25. Mr Aakasha confirmed that his daughter is unemployed but applying for college courses. His daughter-in-law is unemployed. She does not have any other family in the UK. His son is studying engineering at Strathclyde University. He is in his second year. He has also recently started his own business designing car interiors.
26. Mr Aakasha confirmed that the Property has four bedrooms and two bathrooms. He confirmed that it had not been adapted for use by his family. He also confirmed that neither he nor any member of his household accessed any local specialist services.
27. The Tribunal found Mr Aakasha to be credible and reliable in relation to matters to which he spoke which were within his own knowledge. The Tribunal similarly does not doubt that the views expressed by him regarding the Applicants' intentions for the Property are genuinely held by him, but they do not assist the Tribunal in determining the Application.

Discussion

28. In terms of section 51 of the 2016 Act:-
"51 First-tier Tribunal's power to issue an eviction order
 - (1) The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.
 - (2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.
 - (3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.
 - (4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order."
29. The Applicants assert that Ground 5 of Schedule 3 applies in this case. If it does, the Tribunal must issue an eviction order.
30. In order to determine that Ground 5 for eviction is established the Tribunal must be satisfied that (i) Mr Shaikh is a "family member" within the meaning of ground 5, (ii) he intends to live at the Property for a period in excess of three months, and (iii) it is reasonable to grant the eviction order.

31. In respect of the first matter, it is plain that Mr Shaikh is a family member of the Applicants. He is Mrs Shaikh's brother. That makes him a qualifying relative of Mrs Shaikh in terms of paragraph 5(5) of Schedule 3 to the 2016 Act. That also makes him a qualifying relative of a person in a qualifying relationship of Mr Pervez in terms of paragraph 5(5).
32. In respect of the second matter, the Tribunal accepted Mr Shaikh's evidence in full, as well as the relevant evidence from both Applicants on that point. The Respondent's only challenges to that evidence were (i) the suggestion that 2 Waterside Drive was Mr Shaikh's property, which it is not, and (ii) the suggestion that the eviction was a ruse to get rid of irritating tenants. In respect of the latter point, the Tribunal was not persuaded by the Respondents' argument. The Tribunal found Mr Shaikh's explanation to be compelling, particularly in light of the recent conflict in Iran and the well-publicised impact that is having in Dubai. For that reason, the Tribunal determined that Mr Shaikh intends to live in the Property for a period of not less than three months.
33. The only matter to determine now is whether it is reasonable to grant the eviction order. In that regard, the Tribunal gave particular weight to Mr Shaikh's desire to return to Scotland with his family and his stated reasons for that. The Applicants clearly wish to help Mr Shaikh and his family relocate back to Scotland.
34. By contrast, the Respondents' position is not particularly persuasive. They have no young children. Their son is an adult and married. His wife resides with them. Their son and his family will likely qualify for housing assistance from the local authority and receive priority due to the age of their son and impending new arrival. Indeed, the only compelling factor that the Tribunal considered favoured the Respondents' case was their daughter-in-law's impending birth. However, even that factor is temporary. Once she has given birth and recovered from that, the weight of that factor will diminish.
35. In all of the circumstances, the Tribunal determined that it is reasonable to grant the eviction order. Accordingly, the requirements of Ground 5 are met. The Tribunal will grant the eviction order.
36. However, in the particular circumstances of this case, the Tribunal will supersede enforcement of the eviction order until 30 June 2026. That is to allow the Respondent's daughter-in-law to give birth in April 2026 and to have a period of recovery prior to any forced removal. That also ought to afford sufficient time for the local authority to assist in any rehoming. For the purposes of section 51(4) the PRT will terminate on 30 June 2026.
37. 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.

Andrew Upton

20/03/2026

Legal Member/Chair

Date