



**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/25/3385**

**Re: Property at 263F Niddrie Mains Road, Edinburgh, EH15 3HG (“the Property”)**

**Parties:**

**Mr Mohammad Hammad Saqib, Flat F Langham House West, Mill Street, Luton, LU1 2NA (“the Applicant”)**

**Mr Ruben Silva, 263F Niddrie Mains Road, Edinburgh, EH15 3HG (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Jane Heppenstall (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 19 May 2026.

**Background**

- 1 This is an application for an eviction order under section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant relied upon ground 1 as the ground for possession, stating his intention to sell the property.
- 2 The application was accepted to proceed to a case management discussion (“CMD”) to take place by teleconference on 11 March 2026. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said

notice along with a copy of the case papers was served upon the Respondent by sheriff officers and required them to submit any written representations in response to the application to the Tribunal by 12 February 2026.

- 3 On 12 February 2026 the Tribunal received an email from the Respondent in response to the application. In summary, the Respondent stated that he was not opposing the Applicant's right to sell the property. However, he had been informed by the Applicant's letting agent that they would assist him in securing a new property. That support had not been provided. The Respondent had been unable to find a new home. He required additional time to secure alternative accommodation. The Respondent pointed out that he had always complied with his tenancy obligations and acted in good faith.

### **The CMD**

- 4 The CMD took place on 11 March 2026 by teleconference. The Applicant was represented by Miss Lena Cowie of Northwood Edinburgh. She was accompanied by her colleague Miss Sophie Strand. The Respondent also joined the call.
- 5 The Tribunal had the following documents before it: -
  - (i) Form E application form;
  - (ii) Title sheet confirming the Applicant's ownership of the property and proof of landlord registration;
  - (iii) Private residential tenancy agreement between the parties;
  - (iv) Notice to leave and proof of delivery to the Respondent by email;
  - (v) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority;
  - (vi) Agency agreement between the Applicant and Northwood Edinburgh pertaining to the sale of the property;
  - (vii) Written mandate from the Applicant authorising Northwood Edinburgh to represent him in the application; and
  - (viii) The Respondent's email dated 12 February 2026.
- 6 The Tribunal heard submissions from the parties on the application. The following is a summary of the key elements of the submissions relevant to the Tribunal's determination of the application.
- 7 Ms Cowie advised that she had received an email from the Respondent earlier that day confirming his intent to vacate the property on 19 May 2026. She understood the email had copied to the Tribunal. The Tribunal clerk obtained a copy of the email and provided it to the Tribunal members.
- 8 Ms Cowie explained that the Applicant sought an eviction order. The Applicant had instructed Northwood Edinburgh to serve notice to leave on the Respondent on 18 April 2025. The tenancy end date was 13 July 2025. This was the only property managed by Northwood Edinburgh on behalf of the Applicant. He was

reliant on the rental income and the property was no longer financially viable. Ms Cowie confirmed that there were rent arrears outstanding.

- 9 The Respondent confirmed his intent to vacate the property on 19 May 2026. He has not yet secured alternative accommodation but he wants to draw a line under the matter. He may move in with his brother, or he is looking at whether he can source a property further away. The Respondent lives with his mother and father in the two bedroom property, with an office that is also used as a bedroom. His parents are retired and cannot provide him any financial support. The Respondent receives universal credit following a workplace accident. The Respondent has been applying for properties but cannot afford the high deposits. The Respondent is trying his best to get his housing situation sorted. The Respondent is almost packed. It had been a very stressful time and he just wants it to be over. The Respondent confirmed that he does not oppose the eviction order provided enforcement of the order is suspended until 19 May 2026.
- 10 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings and confirming the outcome.

### **Findings in fact and law**

- 11 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement, which commenced on 19 October 2021.
- 12 The Applicant has given the Respondent a notice to leave within the meaning of section 62 of the 2016 Act. The notice to leave includes ground 1. The notice to leave was sent to the Respondent by email on 18 April 2025. The Respondent consented to the use of email for the delivery of notices under the terms of the tenancy agreement.
- 13 The Applicant has given the local authority a section 11 notice at the time of making this application.
- 14 The Applicant is entitled to sell the property.
- 15 The Applicant intends to sell, or market the property for sale, within three months of the Respondent ceasing to occupy. The Applicant has instructed Northwood Edinburgh to market and sell the property on his behalf.
- 16 The Applicant requires to sell the property as it is no longer financially viable.
- 17 The Respondent intends to vacate the property on 19 May 2026.
- 18 The Respondent resides in the property with his mother and father.
- 19 The Respondent is in receipt of universal credit following a workplace accident.

- 20 The Respondent does not oppose the application. The Respondent wishes matters regarding his tenancy to be brought to an end.
- 21 It is reasonable to make an eviction order.

### **Reasons for decision**

- 22 The Tribunal was satisfied that it could make relevant findings in fact to reach a decision based on the documentary evidence and submissions from the parties at the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had confirmed that he did not oppose the application but was simply seeking additional time to vacate the property.
- 23 Section 51 of the 2016 Act provides that *“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.”*
- 24 Section 52 of the 2016 Act goes on to state that *“an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.”* The Tribunal had before it a copy of a notice to leave in the prescribed form that had been sent to the Respondent which cites ground 1 of schedule 3 of the 2016 Act. The Tribunal was also satisfied that the Applicant had sent notice under section 11 of the Homelessness etc (Scotland) Act 2003 to the local authority in accordance with the requirements of section 56 of the 2016 Act.
- 25 The Tribunal considered the terms of ground 1, which are contained in paragraph 1 of schedule 3 of the 2016 Act:-

*“Landlord intends to sell*

- 1(1) It is an eviction ground that the landlord intends to sell the let property.*
- (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—*
- (a) is entitled to sell the let property,*
  - (b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it and*
  - (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.*
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—*
- (a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,*
  - (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.”*

- 26 The Tribunal determined based on the documents before it and the submissions from Ms Cowie at the CMD that the Applicant is entitled to sell the property as the registered owner and intends to do so within three months of the Respondent vacating. The Respondent did not dispute this. The Tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.
- 27 The Tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraphs 1(2)(c) of schedule 3 of the 2016 Act.
- 28 The Tribunal considered the Applicant's property rights as the heritable owner, and his reasons for selling the property, namely that it is no longer viable for the tenancy to continue.
- 29 The Tribunal carefully considered the Respondent's circumstances. Whilst the Tribunal had some concerns about the fragility of the Respondent's current housing situation, ultimately he does not oppose the eviction order. He wants matters to be brought to an end and he is committed to vacating the property on 19 May 2026. The Tribunal gave significant weight to this in assessing reasonableness.
- 30 Accordingly, having carefully considered all the circumstances of this case as they pertain to reasonableness in terms of ground 1, the Tribunal concluded that the balance weighed in favour of making an eviction order with execution of the order suspended until 19 May 2026 to give the Respondent time to vacate the property. The Tribunal therefore determined that the provisions of paragraph 1 of schedule 3 of the 2016 Act had been met and made an eviction order under section 51 of the 2016 Act.
- 31 The decision of the Tribunal 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.**

# Ruth O'Hare

**11 March 2026**

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**Legal Member/Chair**

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**Date**