



**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/25/2211**

**Re: Property at Flat 1/1 69 Albert Avenue, Glasgow, G42 8RA (“the Property”)**

**Parties:**

**Mr Mohammed Ashraf Sajid, 8 Cheviot Road, Glasgow, G43 2AN (“the Applicant”)**

**Ms Asma Siddique, Flat 1/1 69 Albert Avenue, Glasgow, G42 8RA (“the Respondent”)**

**Tribunal Members:**

**Melanie Barbour (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.**

**Background**

1. Two applications were made under Rule 111 and 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking an order for payment and an

order for recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The applications contained: -
  - a. the tenancy agreement,
  - b. the notice to leave with evidence of service
  - c. section 11 Notice with evidence of service
  - d. rent statement
  - e. emails to the tenant about rent arrears
  
3. A case management discussion took place on 18 February 2026. In attendance was the applicant's agent, Ms Saddiq from MM Legal and the landlord's brother-in-law, Mr Majid. Notice of the Case Management Discussion had been made by the sheriff officers. The respondent did not appear. The tribunal was prepared to proceed in their absence, given they had notice of the Case Management Discussion.

#### Discussion

4. The agent advised that she sought an eviction order under ground 12 - 3 months' rent arrears and an order for payment of £18,100 together with interest at 4%. There were at least 3 months' rent arrears as at the date of the notice to leave being served: at that date, the arrears were £4,650. The notice to leave was served on 10 January 2025, and it had expired on 10 February 2025. The current situation as of January 2026 was that arrears were £18,100, and they are now in February £20,600.
  
5. The tenant lives with her husband. There appear to be two children in the house, but it is not clear if they are the children of the tenant. The agent did not know their ages. The tenant alleges one child is autistic. The landlord could not confirm this. The tenant had shown payslips at the start of the tenancy, but they turned out to be falsified payslips. The tenant does

not actually work. She is in the UK on a work permit. The landlord believes that the tenant and her husband do not have any right to remain in the UK. They cannot claim any benefits. Whenever the landlord goes to the property to do repairs or for other issues, the tenant is in the property. They had served the section 11 notice and the notice to leave. They had submitted rent statements to support the application.

6. They have sent a number of WhatsApp messages and communications to the tenant. They have also written to the tenant about the rent. They issued a pre-action letter in December. There has been no contact made by the tenant and no payment arrangement entered into. When they have visited, the tenant will sometimes say that they will pay a lump sum, but this is only to buy them some more time. It is a delaying tactic as no payment is ever forthcoming. In addition, they have gone on holiday two times and left other people in the house without permission. They have also changed the locks.
7. The landlord has a mortgage on the property. They rent out three other properties, and this is the only means of income that they have. The rental is £1250 per month, and they have not received any money for the property.
8. The applicant sought a payment order for £18,100, and they also sought interest at 4 % in line with the Bank of England base rate.

### Findings in Fact

9. The Tribunal found the following facts established: -
  10. There existed a private residential tenancy.
  11. The tenant was Asma Siddique.
  12. The landlord was Mohammed Ashraf Sajid.
  13. The property was 69 1/1 Albert Avenue, Glasgow.
  14. It had commenced on 11 March 2024.

15. The tenancy stated that rent was £1250 a calendar month payable in advance.
16. A notice to leave was submitted dated 10 January 2025, stating that an application would not be made until 10 February 2025. It sought eviction under ground 12 rent arrears. It set out that the respondent had been in rent arrears for more than three consecutive months. The notice to leave had been posted to the tenant. There was evidence of service.
17. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of service.
18. When the notice to leave was served on 10 January 2025, the rent arrears were £4,650.00.
19. As of 11 December 2025, the arrears were £18,100.00.
20. There were arrears on the rent account since at least July 2024.
21. The last payment to rent was made on 1 May 2025.
22. There was evidence that the pre-action protocol requirements had been followed.
23. There was no evidence of failure or delay in any benefit payment to the respondent.
24. The respondent had regularly failed to pay their rent and arrears. The arrears had been steadily accruing.
25. The respondent had failed to enter into a repayment arrangement with the landlord.

### Reasons for Decision

26. Section 51 of the 2016 Act provides the Tribunal with the power to grant an order for eviction for a private residential tenancy if it finds that one of the grounds in Schedule 3 of the Act applies.
27. The ground which the Applicant seeks eviction is ground 12. It is in the following terms:-

*12 Rent arrears*

*(1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.*

*(2) [...]2*

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

*(a) for three or more consecutive months the tenant has been in arrears of rent, and*

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

*(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider [—] 3 [*

*(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and*

*(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. ] 3*

*(5) For the purposes of this paragraph— ...*

28. The applicant's agent confirmed that they sought an order for eviction based on the fact that the respondent had been in rent arrears for three or more consecutive months. When the notice to leave was served on 10 January 2025, the arrears were £4,650. The respondent had been in rent arrears for well over three months. The arrears had started to accrue in July 2024. There did not appear to be any benefit issues which were causing the arrears. It appeared that the first part of ground 12 was met.

Given that the first part of the ground is met, the tribunal is therefore required to proceed to consider if it would be reasonable to grant the order.

29. We find it would be reasonable to grant the order for eviction; in coming to this conclusion, we took into account the following matters:-

30. Matters in support of granting the order were as follows:- The arrears were now more than £18,100. Arrears had been accruing since around July

2024. The respondents had made no payments towards the rent or arrears since May 2025. There were no proposals to repay the arrears. The landlord and agent had attempted to engage with the respondent and provided advice to them about where to get help. These efforts had not been successful. The arrears were significant, and the landlord relied on the rental to provide him with an income. We were not aware of mitigation in favour of the respondent. We consider it would be reasonable to grant an order for eviction.

31. Accordingly, considering the papers before us and the oral submission by the applicant's agent, the tribunal was prepared to grant the order for recovery of possession, given that the first part of ground 12 was met and in all the circumstances it appeared to us to be reasonable to grant the order.

### Decision

32. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 12 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

### **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.**

Melanie Barbour

2 March 2026

---

**Legal Member/Chair**

---

**Date**