



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/25/3495

Re: Property at 53 Raeswood Crescent, Glasgow, G53 7HE (“the Property”)

Parties:

Hisham Fayed, Four Winds, Glapthorn NR Oundle, Peterborough, PE8 5BD (“the Applicant”)

Azad Hussain, Ms Zenab Ishaque, 53 Raeswood Crescent, Glasgow, G53 7HE (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 14th August 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 6th January 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th February 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 27th January 2026.

3. On 7th January 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 7th January 2026.
4. On 24th January 2026, the Respondents emailed the Housing and Property Chamber to advise that they were looking to buy the Property. This email also had details of their family circumstances and what renovations have been done by the Respondents to the Property.
5. On 6th February 2026, the Applicant emailed the Housing and Property Chamber to advise that there have been no formal offers to purchase the Property. The Applicant wanted to proceed with the sale of the Property at a market value. This email also explained his family circumstances including ongoing health issues concerning three of his children having a rare genetic condition that requires treatment. He noted that he had not authorised the renovations.
6. On 10th February 2026, the Respondents emailed the Housing and Property Chamber to advise that the Applicant should sell the Property with a sitting tenant.
7. On 13th February 2026, the Applicant emailed the Housing and Property Chamber to respond to the Respondents email submissions and address that selling the Property at market value would result in a lower price being obtained for the Property.

The Case Management Discussion

8. A CMD was held on 18th February 2026 at 10am by teleconferencing. The Applicant was present and represented himself. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules.
9. The Applicant was joining the call from Turkey. He said that he was willing to participate in the CMD and discuss matters with the Tribunal.
10. The Applicant said that he is working as a consultant in Turkey. This is a precarious employment position as it only requires his company to give him one month's notice to terminate their contracts. He said that around 90% of his fellow contractors have had their contracts terminated due to the financial pressures of having contractors. The Applicant does not consider that he would be able to obtain reemployment in Scotland. There are more opportunities in England. He now wants to sell the Property. It is the only property that he owns. He wants to recoup the funds from the Property to be ready to buy a property for him and his family in England. He is aware that it could take several months to sell the Property and be able to access the funds to purchase another property. This is why he wants to sell the Property now so that he can proceed to buying another property once this property has been sold.

11. The Applicant said that the Respondents did say that they were looking to buy the Property. However, there have been no formal offers forthcoming.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 14th January 2021. The rent charge is £1500 per month.
13. The Applicant intends to sell the Property to allow him to proceed to purchase another house for him and his family to live in. The Applicant is intending to relocate to England rather than Scotland due to the lack of employment opportunities in Scotland within his industry.
14. The Respondents had wanted to purchase the Property but have not been forthcoming with a formal offer or indication that they are financially able to purchase the Property. There has been no evidence that they are able to purchase the Property or have a mortgage in place. The Respondents have known about the Applicant's intentions since the Notice to Leave was served on 30th April 2025. The Applicant has submitted that selling the Property with a sitting tenant would reduce the value of the Property. This is consistent with evidence from other landlords who have been before the Tribunal who are seeking to sell their properties. The Applicant's submission states that this could mean a drop of up to 20% in the price that he receives from the sale.
15. The Respondents have not submitted to what steps they have undertaken to look for new housing either from their local authority or another private rented sector property.
16. There are no issues of reasonableness that prevent an order from being granted.

Decision

17. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant.

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.

G Miller

18th February 2026

Legal Member/Chair

Date