



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/25/4565

Re: Property at 50 Coldstream Drive, Rutherglen, Glasgow, G73 3LH (“the Property”)

Parties:

Mrs Saira Hakeem, Mr Mirza I Baig, 21 Alloway Drive, Newton Mearns, Glasgow, G77 5TG (“the Applicants”)

Mr Khaleel Mohammed, Mrs Tasneem Akhtar, 50 Coldstream Drive, Rutherglen, Glasgow, G73 3LH (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Second Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property. The Tribunal ordered a delay in the execution of an eviction order until 9 August 2026, in terms of Rule 16A (d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicants submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).

3. Letters were issued on 25 April 2026 informing both parties that a CMD had been assigned for 28 May 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 16 May 2026.
4. On 16 May 2026 the Tribunal received an email from the First Respondent which provided information on a “without prejudice” basis. The email contained sensitive medical information. On 28 May 2026, the Tribunal responded to the email and advised that it was not appropriate to use the “without prejudice” restriction in correspondence to a judicial body where the Respondents wish the Tribunal members to consider the terms. The First Respondent was advised that the Tribunal would be unable to consider the written representations unless “without prejudice” is removed. On 28 May 2026, the First Respondent advised that he would remove that clause from his representations.

The case management discussion – 28 May 2026

5. The CMD took place by conference call. The Applicant was represented by Mrs Charlene Tannock, solicitor. Initially the call proceeded in the absence of the Respondents but after a short time, the First Respondent joined the call. The Tribunal explained the purpose of the CMD.
6. The Tribunal explained to both parties that there are two matters which have to be assessed in determining the application. The first is whether the ground of eviction is established and if so, the second matter is whether it is reasonable to grant an order for eviction.
7. The First Respondent advised that the application is opposed “on a short term basis”. When the Tribunal members asked the First Respondent to expand on that, the First Respondent advised that he is not able to work at the moment but once he returns to work, he can apply for a mortgage to buy his own property. He made reference to repairing issues, which were not relevant to the Tribunal’s consideration of the present application. He advised that the Applicants told him last year that they wanted to sell the Property, so he does not believe that they want to move into the Property. The Tribunal referred him to the document lodged which is headed “Joint Affidavit” of the Applicants, which gives information about why the Applicants need to move into the Property. The First Respondent does not have any evidence to contradict the explanation given by the Applicants. The First Respondent explained that his wife is suffering from a very serious health condition. The Respondents have not made efforts to look for alternative accommodation yet and they intend to when the First Respondent can return to work. The Respondents live in the Property with their 17 year old son. The Respondents did not want their son’s education disrupted at a critical exam time, so they have not looked for alternative accommodation. The Tribunal observed that the notice to leave

which was served by sheriff officers on 15 July 2025 states that the Applicants want to recover possession of the Property in order to live in it.

8. The Applicants' position is as set out in the supporting papers already submitted. The Applicants own the property that they reside in, but the accommodation is no longer suitable for their family's needs.
9. The Tribunal advised the parties that the CMD would be adjourned briefly to allow the Tribunal members to discuss matters in light of the information provided. The parties were advised to rejoin the conference call using the same details already provided and that they would be kept in the waiting room for a short time. When the CMD was reconvened, the Applicants' representative rejoined but the First Respondent did not.
10. The Tribunal advised the Applicants' representative that it found the ground of eviction established and that it was reasonable to grant an order for eviction. The Tribunal explained that it had decided to exercise its discretion in terms of Rule 16A to delay the execution of an eviction by a period of 6 weeks beyond the normal timeframe.

Findings in Fact

11. The Applicants are the owners and landlords of the Property at 50 Coldstream Drive, Rutherglen, Glasgow, G73 3LH.
12. The Respondents are the tenants of the Property.
13. The tenancy in question is a private residential tenancy which commenced on 1 July 2018.
14. Sheriff officers served a Notice to Leave on the Respondents on 15 July 2025.
15. The Applicants intend to live in the Property as their only principal home.

Reason for Decision

16. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
17. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD.
18. The Applicants have produced a document entitled "Joint Affidavit". The document does not meet the requirements of an affidavit as it is not signed on every page and it is not clear what oath was administered. Nonetheless, the document sets out the information from the Applicants as to why they need to move into the Property. The Respondents do not have any evidence to

contradict what is said by the Applicants in that document. The notice to leave which was served on the Respondents states that the Applicants want to recover possession so that they can live in the Property. There is medical evidence relating to one of the Applicants' children which is supportive of the reasons given by the Applicants. On the balance of probabilities, the Tribunal was persuaded that the ground of eviction is established.

19. The Tribunal proceeded to consider whether it is reasonable to grant an order for eviction. The property currently occupied by the Applicants is not suitable for their family unit. Although the First Respondent stated that the application is opposed on a short term basis, he could not provide any timescales as to when he expects to return to work. Returning to work does immediately offer a housing solution and the Tribunal noted that the Respondents have not taken any steps to find alternative accommodation, despite having been served with the notice to leave in July 2025. Taking account of these factors, the Tribunal decided that it is reasonable to grant an order evicting the Respondents from the Property.

20. The Tribunal also took account of the information about the Second Respondent's health condition. In light of that, and the fact that the Respondents have not secured alternative accommodation, the Tribunal decided to exercise its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 6 weeks.

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.

N.Irvine

28 May 2026

Legal Member/Chair

Date