



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/25/5247

Re: Property at 238 Neilsland Oval, Pollock, G53 5HB (“the Property”)

Parties:

Miss Samah Nimale, 35 Wilton Street, Glasgow, G20 6LF (“the Applicant”)

Mr Imran Khan, 238 Neilsland Oval, Pollock, G53 5HB (“the Respondent”)

Tribunal Members:

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

Decision (in absence of the Respondent)

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 27th November 2026. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 12th May 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 16th June 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 2nd June 2026.
3. On 2nd June 2026, the Applicant’s solicitor emailed the Housing and Property Chamber requested the amount sought in the conjoined case be increased to £10400. A rent account for the period 1st June 2025 – 1st June 2026 was attached.

4. On 14th May 2026, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 14th May 2026.
5. The case was conjoined with case FTS/HPC/CV/25/5248.

The Case Management Discussion

6. A CMD was held on 16th June 2026 at 10am by teleconferencing. The Applicant was present and was represented by Ms Chloe Herd, Solicitor, Clarity Simplicity Ltd. The Respondent was not present and was not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
7. Ms Herd said that this is the only property that the Applicant owns. She had been caring for her grandmother until she died. The Applicant is now living with her mother and three adult siblings in a four bedroomed house. The Applicant has her own room but her siblings are sharing. They are overcrowded in this house. Her own property is a three bedroomed semi detached property where she would be adequately housed.
8. Ms Herd said that the Applicant has a mortgage of £285.48 per month. Her mortgage is due to be renewed and is expected to increase to around £500. She has other landlord costs in addition to this.
9. Ms Herd said that the Respondent stopped paying on or around the date of the Notice to Leave. There has been no communication from him to say why he has done this. The Applicant still receives post to the Property. She contacted him by text on 23rd March 2026 to ask that he forward it on. She also raised the issue of the arrears and sent him on a rent account. He has not paid the ongoing rent or made any attempts to address the arrears. He has not said why he has stopped making payments.
10. Ms Herd said that the Respondent lives in the Property on his own. He has children but they do not live with him. He is not known to have any disabilities or vulnerabilities. He is understood to be in full time employment as a financial adviser.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 1st April 2022.
12. The Applicant now wishes to reside in the Property. It is the only property she owns. She had moved in with her grandmother to help care for her grandmother. Her grandmother has now passed away. The Applicant is living in her material home. She is overcrowded in this house. She is not able to get a mortgage on any other Property.

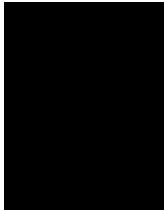
13. Since the Notice to Leave was served on the Respondent he has stopped paying his rent. This is putting a financial burden upon the Applicant. The arrears sought in the conjoined application are £10400. There has been no explanation why he has stopped paying and no offer of payment.
14. The Respondent lives in the Property on his own. He is believed to be in full time employment as a financial adviser. The Respondent does not have any no known vulnerabilities or disabilities.
15. There are no issues of reasonableness that prevent an order from being granted.

Decision

16. The Tribunal found that ground 4 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.



16th June 2026

Legal Member/Chair

Date