



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/26/1248

Re: Property at 176/1 Easter Road, Edinburgh, EH7 5QQ (“the Property”)

Parties:

Mr Ali-ahmed Shah, 11 Montgomery Street, Edinburgh, EH7 5JU (“the Applicant”)

Mr Anwarul Haque, 176/1 Easter Road, Edinburgh, EH7 5QQ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is a Rule 66 application whereby the Applicant is seeking an order for possession in terms of section 33 of the Housing (Scotland) Act 1988 (“the Act”). The Applicant representative lodged a short assured tenancy agreement commencing on 1st May 2012 for a period of six months and monthly thereafter, Form AT5, section 11 notice with evidence of service, and notice to quit and section 33 notice with evidence of service.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 31st July 2026.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th November 2025. The Applicant was not in attendance and was represented by Mr Livingstone, Director, Landlord Agents Ltd. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
5. Mr Livingstone said the Applicant is seeking an order for possession, as they wish to sell the Property for financial and family reasons. The Applicant spoke to the Respondent the week before the CMD and was informed that they were waiting for paperwork. Mr Livingstone said he spoke to the Respondent in March 2026, at which time the Respondent said they had consulted the local authority to apply for social housing. The Respondent informed Mr Livingstone that securing other private sector rented housing in the area was not feasible for financial reasons. Mr Livingstone said he presumed the paperwork referred to when the Respondent spoke to the Applicant was the Tribunal decision which may assist in the allocation of social housing.
6. Responding to questions from the Tribunal, Mr Livingstone said the Respondent lives with their wife in the Property. There are no children living in the Property. The Respondent was asked by Mr Livingstone if there were any health issues. No health issues were disclosed to Mr Livingstone.
7. Responding to questions from the Tribunal, Mr Livingstone said there was a mortgage on the Property from 2006. The current circumstances of the mortgage were unknown.

Findings in Fact and Law

8.
 - (i) Parties entered into a short assured tenancy agreement with the Applicant commencing on 1st May 2012 for a period of six months and monthly thereafter.
 - (ii) Notice to Quit and Section 33 Notice were served on the Respondent.
 - (iii) The short assured tenancy has reached its ish date.
 - (iv) The contractual tenancy terminated on 1st March 2026.
 - (v) Tacit relocation is not in operation.
 - (vi) The Applicant has given the Respondent notice that they require possession of the Property.
 - (vii) It is reasonable to grant the order for possession.

Reasons for Decision

9. Section 33 of the Act provides that the Tribunal may make an order for possession if satisfied that the short assured tenancy has reached its finish, tacit relocation is not operating, the landlord has given notice to the tenant that they require possession, and it is reasonable to make the order.
10. The contractual tenancy has been terminated and tacit relocation is not in operation. The Applicant has given the Respondent notice that they require possession of the Property.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant requires to sell the Property for financial reasons.
13. The Respondent did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness. The Tribunal took into account the limited information provided by the Applicant representative on the Respondent's circumstances. The Tribunal noted there are no children in the Property. The Tribunal was unable to assess the likely effect of an order for possession upon the Respondent and their family in the absence of any representations. The Tribunal took into account the anecdotal evidence that the Respondent is in discussion with the local authority and seeking social housing. The granting of an order is likely to render the Respondent and their family homeless. The Tribunal considered it likely that the Respondent and their family will be accommodated by the local authority if an order is granted.
14. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought.

Decision

15. An order for possession of the Property is granted under section 33 of the Housing (Scotland) Act 1988. The order is not to be executed prior to 12 noon on 14th October 2026.

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.

H Forbes

Legal Member/Chair

9th September 2026
Date