



**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/26/0736

Re: Property at Flat 1 60 Milnpark Gardens, Glasgow, G41 1DW (“the Property”)

Parties:

Mr Noman Tahir, 5 Calico Road, Newton Mearns, Glasgow, G77 6GA (“the Applicant”)

Mr Muhammad Usman, Mrs Iqra Nasir, Flat 1 60 Milnpark Gardens, Glasgow, G41 1DW; Flat 1 60 Milnpark Gardens, Glasgow, G41 1DW (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ahsan Khan (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 6th February 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 1 of the Private Housing (Tenancies) (Scotland) Act 2016 namely that the Applicant wishes to sell the Property.
2. On 30th July 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 10th September 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 20th August 2026.
3. On 9th September 2026, the Second Named Respondent’s solicitor emailed the Housing and Property Chamber stating that she would not be defending the case.

The Case Management Discussion

4. A CMD was held on 10th September 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Mr Ullah, Let B Wise Glasgow Ltd. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make any representations in advance of the CMD other than the Second Named Respondent stating that she was not defending the application.
5. The Tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. Mr Ullah confirmed that he wished the order for eviction to be made.
7. Mr Ullah said that the Applicant owns only one other property which he rents out. He intends to sell this property. The First Named Respondent has left the Property and there are accrued arrears of over £7500. There have been no offers of payment. This has put a considerable financial stress upon the Applicant. He now wants to sell the Property to alleviate this position.
8. Mr Ullah said that the Second Named Respondent has been offered a couple of properties by a housing provider but has so far refused these offers.
9. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

10. The Applicant is the registered owner of the Property.
11. A Private Rented Tenancy Agreement commenced 29th September 2024.
12. The Applicant now intends to sell the Property at market value or at least put the Property up for sale within three months of the Respondents ceasing to occupy it.
13. The Applicant requires vacant possession of the Property before it is sold or there will be a reduction in the sale value for the Property and a reduction in the range of buyers wishing to purchase it.
14. The Second Named Respondent is not opposed to the granting of an order. The First Named Respondent left the Property some time ago. His whereabouts are unknown.
15. The basis for the order for possession on ground 1 was thus established.
16. The Tribunal accepted the evidence presented on behalf of the Applicant with regard to the intention to sell the Property.

17. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on ground 1 can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
18. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

“[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account”.

19. In all the circumstances the Tribunal decided that it was reasonable to grant the order sought.
20. The Tribunal decided to exercise the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.
21. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

Decision

22. 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.

Gabrielle Miller

10th September 2026

Legal Member/Chair

Date