



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/3923

Re: Property at 120 Millersneuk Crescent, Glasgow, G33 6PH (“the Property”)

Parties:

Ms Janet Bain, 110 Trinity Avenue, Glasgow, G52 3ER (“the Applicant”)

Ms Sharon McCuaig, 120 Millersneuk Crescent, Glasgow, G33 6PH (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Shand (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is a Rule 109 application. The Applicant is seeking an eviction order under ground 4. The Applicant representative lodged a copy of the private residential tenancy agreement between the parties which commenced on 25th July 2024, a notice to leave with evidence of service, section 11 notice with evidence of service, and evidence to support the eviction ground including a statement from the Applicant’s ex-partner.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 10th March 2026.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 24th April 2026. The Applicant was represented by Ms Ashley Nixon, Letting Agent. The Respondent was not in attendance. The commencement of the CMD was delayed to allow the Respondent to join the call. The Respondent did not join the call.

4. The Tribunal considered the terms of Rule 29. 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. Ms Nixon said there has been no recent correspondence from, or contact with, the Respondent, other than in respect of a late payment of rent in March 2026.
6. Ms Nixon said the Applicant is seeking an eviction order under ground 4. The Applicant has suffered a relationship breakdown and requires to live in the Property. The Applicant's sister, who lives close to the Property, is suffering ill-health, and the Applicant assists with her care. Ms Nixon said she had reached out to the Respondent to offer assistance with securing alternative accommodation, but had not received a response.
7. Responding to questions from the Tribunal, Ms Nixon said the Respondent is believed to live alone at the Property and is believed to be in employment. No information is known about her health or social circumstances. The Applicant confirmed that the tenancy is fully managed by the Letting Agent. Consequently, the Applicant knows nothing further about the Respondent or her circumstances. Ms Nixon said there had been no contact from the local authority in respect of the Respondent. Ms Nixon confirmed that, although the rent is always paid late, there are no rent arrears.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property on 25th July 2025.
 - (ii) The Applicant has served a Notice to Leave upon the Respondent.
 - (iii) The Applicant intends to live in the Property.
 - (iv) The Applicant intends to occupy the Property as their only or principal home for at least 3 months.
 - (v) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 4 of Schedule 3 of the Act provides that it is an eviction ground that the landlord intends to live in the let property. The Tribunal may find that this applies if the landlord intends to occupy the let property as their only or principal home for at least three months; and the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact. The Tribunal is satisfied that Ground 4 has been established, as the Applicant's relationship has broken down and she requires to live in the Property.

10. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondent in terms of the Act.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties as put forward at the CMD.
12. The Tribunal took into account that the Applicant requires to move from her current accommodation due to her relationship breakdown, and that she wishes to be closer to her sister, who requires her assistance as a carer.
13. The Tribunal took into account the limited information available in respect of the Respondent's circumstances. There are no children in the Property. In the absence of any representations from, or attendance by, the Respondent, the Tribunal was unable to assess the impact of an eviction order upon the Respondent.
14. The Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant, and it was incumbent upon the Respondent to attend or lodge representations to put forward her position and any information that would assist the Tribunal in considering reasonableness. The Respondent failed to do so.
15. In all the circumstances, the Tribunal considered it reasonable to grant the order sought.

Decision

16. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 26th May 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.

Ms H Forbes

Legal Member/Chair

24th April 2026
Date

