



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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/4227

Re: Property at 67 Leggatson Avenue, Glasgow, G53 7PT (“the Property”)

Parties:

Mr John Smart, 51 Penneld Road, Glasgow, G52 2QF (“the Applicant”)

Clarity Simplicity Limited, 34 Woodlands Road, Glasgow, G3 6UR (“the Applicant’s Representativ”)

Miss Tracy Jane Hall, 67 Leggatson Avenue, Glasgow, G53 7PT (“the Respondent”)

Tribunal Members:

Ms. Susanne L. M. Tanner K.C. (Legal Member)

Mrs. Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 4 in Schedule 3 to the 2016 Act is established by the Applicant, namely that: the landlord intends to occupy the let Property as the landlord’s only or principal home for at least three months; and that it is reasonable to issue an eviction order on account of that fact; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act, with the date of enforcement of the order delayed until 12 noon on 31 July 2026

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal between 2 October and 15 December 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 4 of Schedule 3 to the 2016 Act, in summary that a landlord intends to live in the let Property.
3. The tribunal's administration obtained the title sheet for the Property on 3 October 2025 which showed that the Applicant is the registered proprietor.
4. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
5. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 21 April 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 21 May 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 12 May 2026. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers.
6. The Respondent lodged written submissions on 11 May 2026. The Respondent referred to supporting documentation which could be produced. The tribunal issued a Direction requiring the Respondent to submit any documentation by the date of the CMD on 21 May 2026.
7. The Applicant's Representative lodged two additional documents on 7 May 2026, which were letters from the Respondent's General practitioner dated 13 March and 10 July 2023.

Case Management Discussion (CMD): 21 May 2026, 1000, Teleconference

8. Both parties attended the CMD. Ms Anderson, solicitor from the Applicant's Representative attended on behalf of the Applicant; with Ms Newbury a trainee solicitor.
9. The Respondent attended.

Submissions by the Respondent

10. The Respondent did not oppose the order for eviction but requested an extension to the date for enforcement.
11. She adopted the written submissions which were sent in advance of the CMD. explained that she has registered with East Renfrewshire Council and Glasgow City Council for suitable alternative housing. She has registered with Link Housing and has a case manager. She has made them aware of her family's needs, which include one child's mobility needs arising from a medical condition. The family needs a property with a ground floor entrance. The current Property is a house which has 3 bedrooms. They pay £300.00 per month rent. The family is seeking a 3 bedroom property. No indication has been given about when a suitable property might be available.
12. The Respondent's other child is starting senior school in August 2026. The family is hoping to move in the summer. She said that being evicted will cause disruption to the family.
13. The Respondent and her partner both work. They are also looking for private lets or the possibility of securing a mortgage to buy a property. They are in an unstable financial situation due to time taken off their respective employments to care for their child who has medical needs.
14. There are no rent arrears.
15. The Respondent did not say how long she was seeking for an extension to the date for enforcement and asked for as long as possible to allow the family to seek suitable alternative accommodation.

Submissions on behalf of the Applicant

16. Ms Anderson adopted her written case and submissions and invited the tribunal to make the eviction order today. She said that she did not have instructions to

agree an extension and invited the tribunal to make an order with the usual period for enforcement.

17. Ms Anderson stated that the Applicant is homeless and requires to move into the Property. He has been homeless since in or around 2020. He had been a carer for his mother and was living with her and his two sisters until she passed away. He feels unable to reside with his sisters as one of them is the mother of the Respondent. He has been moving between friend's houses.

18. The Applicant is 66 and has serious bladder and bowel issues and requires easy access to toilet facilities. The Property is suitable because there is a downstairs toilet and an en-suite bathroom. She said that his health problems are significant and worsening. The case has caused significant stress. The situation has exacerbated his mental health problems. The letters from the GP which have been lodged were produced when legal action was first considered. He continues to suffer from the medical issues outlined.

19. The tribunal makes the following findings-in-fact:

19.1. The Applicant is the registered proprietor of the Property.

19.2. The Applicant is the uncle of the Respondent.

19.3. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 1 April 2025.

19.4. The Respondent lives in the property with her family, which includes a partner and two children.

19.5. One of the Respondent's children has mobility needs arising from a medical condition.

19.6. One of the Respondent's children is due to transition from primary to senior school in August 2026.

19.7. The Respondent and her family have registered with two local authorities and a housing association to seek suitable alternative accommodation for her and her family which meets their needs.

19.8. The Respondent and her family are looking in the private rented sector for suitable alternative accommodation which meets their needs.

19.9. The Respondent and her partner are considering the possibility of obtaining a mortgage to purchase a suitable alternative property.

19.10. The Applicant intends to live in the let Property.

- 19.11. The Applicant is 66 and has physical and mental health problems.
- 19.12. The Applicant's mental health problems have been exacerbated by the tribunal proceedings.
- 19.13. The Applicant is homeless.
- 19.14. The Applicant requires a property which has easy access to toilet facilities.
- 19.15. The Property has a ground floor toilet and an en-suite bathroom.
- 19.16. Notice to Leave dated 26 August 2025 was served on the Respondent under Ground 4 of Schedule 3.
- 19.17. The Respondent and her family continue to reside in the Property.

Discussion

- 20. The Respondent did not oppose an eviction order being made but sought an extension of time to the date for enforcement.
- 21. The tribunal was satisfied that Ground 4 in Schedule 3 of the 2016 Act was established.
- 22. Having carefully considered the submissions made by both parties, the tribunal decided that it was reasonable to make an order for eviction, with the date of enforcement delayed to 31 July 2026. The tribunal considers that this takes account of and balances the Applicant's need to get out of homelessness and move back into his property, which meets his medical needs and the Respondent's requirement for additional time to identify a suitable alternative property which meets her family's needs, prior to the start of the new school year.
- 23. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act, with the date of enforcement delayed to 31 July 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.



21 May 2026

Ms. Susanne L. M. Tanner K.C.
Legal Member