

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

**Chamber Ref: FTS/HPC/EV/25/3967**

**Re: Property at 9 Woodlands Avenue, Mount Ellen, Glasgow, G69 8BT (“the  
Property”)**

**Parties:**

**Mr James Boland, 32 Manor Road, Gartcosh, G69 8AN (“the Applicant”)**

**Miss Lauren Marsh, 9 Woodlands Avenue, Mount Ellen, Glasgow, G69 8BT  
 (“the Respondent”)**

**Tribunal Members:**

**Robert MacDonald (Legal Member) and Melanie Booth (Ordinary Member)**

The First-tier Tribunal for Scotland Housing and Property Chamber the Tribunal determined the provisions of paragraph 4 of Schedule 3 of the 2016 Act are met in this case.

The Tribunal therefore made an Eviction Order under Section 51 of the 2016 Act but postponed the period of enforcement by sixty days.

**Background**

1. This is an application dated 15<sup>th</sup> September 2025 for an Eviction Order under Section 51 of the 2006 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedure) 2017 (“The Rules”). The Applicant relied upon ground 4 of Schedule 3 of the 2016 Act as the ground for eviction, namely that the Applicant intended to occupy the let property as their only principal home for at least three months.
2. The application was accepted by the Tribunal as valid and referred to a Tribunal for determination. The Case Management Discussion (“CMD”) was set down to take place on 29<sup>th</sup> May 2025 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules.

3. The CMD took place on 29<sup>th</sup> May 2026 at 10am. The Applicant, his representative, Joshua Boland and the Respondent were all present on the call.
4. The Tribunal had the following documents before it:-
  - a. Form E application form;
  - b. Copy Land Certificate confirming that the property was owned by the Applicant;
  - c. A copy of the private residential tenancy agreement between the parties;
  - d. A copy of the Notice to Leave;
  - e. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and proof of delivery to the Local Authority on 20<sup>th</sup> June 2025;
  - f. Draft affidavit on behalf of the Applicant.
5. The Tribunal heard submissions from the Applicant's representative and from the Respondent.
6. The Applicant's representative advised the Tribunal that the Applicant was 59 years of age. He had worked as a scaffolder. He had been involved in an accident last year and was unable to work. He owned two other properties. One was rented out to the Local Authority. He currently lived in the second house in Gartcosh. He had debt which he wanted to consolidate by selling the house he currently lived in and moving into the property. The property itself needed renovation, and he had funding available from a family member to enable him to do that. He was brought up a few doors down from the property and had a sentimental attachment to the area. He planned to retire there as he was unfit for work.
7. The Respondent advised the Tribunal that she lived in the property with her four children, the oldest of whom was sixteen. They were all boys. It was a three bedroom property. She was looking to be re-housed. She was on the housing list. She had good relations with the landlord. She appreciated that the landlord wanted to recover possession of the property. She didn't oppose the application. She thought that some additional time would be of assistance in allowing the Local Authority to find suitable housing for her.
8. The Tribunal adjourned the CMD to deliberate without the presence of the parties. After a brief adjournment the Tribunal resumed the CMD and confirmed the outcome.

### **Findings in Fact and Law**

9. The Applicant is the owner of the property in terms of a Land Certificate reference GLA95032. The Applicant is the landlord, and the Respondent is the

- tenant of the property in terms of a private residential tenancy agreement entered into on 21<sup>st</sup> May 2018.
10. The Applicant sent a Notice to Leave as defined by Section 62 of the 2016 Act to the Respondent on 28<sup>th</sup> May 2025. In terms of the Notice, the Respondent was advised that an application to the Tribunal would not be submitted prior to 12<sup>th</sup> September 2025. The Respondent received the Notice to Leave.
  11. A Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicant to Glasgow City Council on 20<sup>th</sup> June 2025.
  12. The Applicant owns two other properties. One is rented out to Glasgow City Council. He resides in the other and intends to sell that to generate funds and thereafter to move into the property.
  13. The Applicant is 59 years of age and has worked as a scaffolder. He has sustained an injury and requires to retire.
  14. The Applicant has debt which he wishes to consolidate.
  15. The Respondent resides in the property with four boys, the eldest of whom is 16.
  16. The Respondent is on the Housing Register in the local area.
  17. The Respondent has made efforts to find alternative accommodation through the Local Authority but so far has been unsuccessful in finding suitable alternative accommodation. An additional period of time to assist her in finding alternative accommodation is appropriate.
  18. The Respondent does not oppose the application.
  19. It is reasonable to make an Eviction Order.

### **Reasons for Decision**

20. The Tribunal was satisfied having considered all the documentary evidence before the Tribunal and the submissions from the parties that it has sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The Tribunal accepted the documentary evidence and the submissions from the parties.

21. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a Notice to Leave on the tenant and intimation to the Local Authority.
22. The Tribunal was satisfied that the Applicant wished to live in the property as his principal home.
23. The Tribunal considered the Respondent's circumstances. She didn't oppose the order.
24. The Tribunal considered whether it was reasonable to make an order in account of the information available to it which required the Tribunal to identify the facts relevant to issues of reasonableness and thereafter determine how much weight should be applied to these facts. The Tribunal attached considerable weight to the fact that the Applicant wasn't able to work, and that he required to rationalise his finances for retirement. The Tribunal also attached considerable weight to the fact that the Respondent did not oppose the application.
25. Having considered the facts relevant to reasonableness, the Tribunal considered that it was reasonable for an order for eviction to be granted. The Tribunal was satisfied that the provisions of paragraph 1 of Schedule 4 of the 2016 Act had been met in this case. The Tribunal recognised that the Respondent required some time for the Local Authority to attempt to find her and her family alternative accommodation. The Tribunal were of the view that she should be given an additional thirty days to assist her in that regard.
26. The decision of the Tribunal was unanimous.

### **Decision**

27. The Tribunal granted an order for possession of the property but postpones the period of enforcement by sixty days.

### **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.**

**Robert MacDonald**

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**Legal Member/Chair**

**29<sup>th</sup> May 2026**

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**Date**