Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/1377

Re: Property at 0/1 82 Glencoe Street, Glasgow, G13 1YR ("the Property")

Parties:

Mr Kenneth Robinson, Flat 1, 118 Dowanhill Street, Glasgow, G12 9DN ("the Applicant")

Ms Margaret Porter, 0/1 82 Glencoe Street, Glasgow, G13 1YR ("the Respondent")

Tribunal Members:

Robert MacDonald (Legal Member) and Elizabeth Williams (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the provisions of paragraph 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the Private Residential Tenancy between the parties will end on 17th November 2026.

1. By application to the Tribunal dated 25th March 2026 the Applicant sought an eviction order against the Respondent in respect of the property under rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("The Rules") and section 51 of the 2016 Act. In this case the Applicant relied upon Ground 1 of Schedule 3 of the 2016 Act.
2. The application was referred to a Case Management Discussion on 18th September 2026. Notification of the Case Management Discussion together with a copy of the application was served upon the Respondent by sheriff officers on 11th August 2026.

3. The Respondent was invited to lodge written representations in response to the application with the Tribunal by 29th August 2026.
4. The Case Management Discussion took place on 18 September 2026 by teleconference. Mr Andrew Devlin of Complete Clarity Solicitors represented the Applicant who was also present. The Respondent was present along with her brother Mr McLaren who she wanted to represent her. The Tribunal was satisfied that it was appropriate to allow Mr Mclaren to speak on behalf of the Respondent.
5. The Tribunal had before it paperwork in support of the application including

    i) Eviction Form E;
    ii) A Private Residential Tenancy Agreement between the parties commencing 1st June 2023;
    iii) A Notice to Leave dated 11th December 2025 which provided that proceedings would not be raised before 10th March 2026, together with proof of service by sheriff officers on the Respondent by letterbox service on 15th December 2025
    iv) A section 11 notice to Glasgow City Council together with proof of service on the Council by email on 24th March 2026;
    v) A copy letter of engagement from Complete Clarity Solicitors dated 24th March 2026 in connection with the marketing of the property.

6. Mr Devlin advised the Tribunal that the Applicant sought an order for eviction. He explained to the tribunal that his client had owned the property for over 20 years. He was 66 years of age. He was retired. He had previously worked in human resources for a shoe company. He was in receipt of a state pension and had a pension from previous employment. His private pension funds were running low and he was under a degree of financial stress. He wanted to sell the property and pay off the existing borrowing. The property had been valued at £150,000 a few years ago and was probably worth more than that now. There were borrowings of approximately £80,000 outstanding. He had two adult daughters, one of whom had recently had a baby. The funds released by the sale of the property would assist him in continuing with his retirement and allow him to make provision for his family. He had no difficulty with the Respondent who had been an excellent tenant, but he was now at a stage when he wanted to sell up.
7. Mr McLaren, speaking on behalf of the Respondent, advised the Tribunal that his sister had in fact lived in the property since 2002. A new tenancy agreement had been signed in 2023. She had lived in the property with her late husband who had passed away in 2018, and they had brought their family up there. The new tenancy agreement had been entered into following a discussion with the landlord who at that stage had indicated that he wanted to recover possession because of financial problems. Also living in the property were two of the

Respondents' adult sons. The older son was 30 years of age and was his mothers carer. The Respondent had a number of health issues. Ideally, she needed a ground floor flat because she had mobility problems. The Respondent had been in contact with the local authority about being rehoused and she was on a priority list with West of Scotland Housing. She had applied to up to 15 housing associations. So far, she had not been successful in finding alternative accommodation. The Respondent in principle had no objection to the property being sold given the Applicants circumstances. She however needed a bit of time to reorganise and hopefully be rehoused in more appropriate accommodation by the local authority. She was hoping to be able to stay in the property until perhaps February 2027. It was anticipated that it be more difficult for her to be rehoused over the Christmas and New Year. She needed accommodation that was sufficient at least for herself and her carer, but ideally all three wanted to live together. Three bedroom houses were difficult to find. The Respondent had a sentimental attachment to the property as her late husband had died there.

8. In response Mr Devlin confirmed that the Respondent had been a tenant of his client for almost 25 years. He said however that his client's fixed rate on his mortgage was coming to an end in March of next year and he would be financially prejudiced if it wasn't possible to sell the property in advance of that.
9. The Tribunal adjourned to deliberate before resuming the Case Management Discussion and confirming its decision.
10. Rule 17(4) of the rules provides that the Tribunal may do anything at a case management discussion, including making a decision. The Tribunal was satisfied that as the facts were sufficiently agreed there was sufficient information available to the Tribunal to make a decision without the need for a hearing.

Findings in Fact and Law

11. The Applicant is the owner of the property in terms of a land certificate registration number GLA166530. He is the landlord and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 1st June 2023.
12. The Applicant's agent sent a Notice to Leave as defined by Section 62 of the 2016 Act dated 11th December 2025 to the Respondent by Sheriff Officer and this was served by Sheriff Officer on 15th December 2026 by way of letterbox service.
13. In terms of the notice, which relied on Ground 1 of schedule 3 to the Act, the Respondent was advised that an application might be submitted to the Tribunal after 10th March 2026.
14. 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 24th March 2026.

15. The application was lodged with the Tribunal on 25th March 2026.
16. The Applicant is 66 years of age. He wishes to sell the property to fund his retirement, and to make financial provision for his family.
17. The property is worth in excess of £150,000 and is burdened with a mortgage of approximately £80,000.
18. The Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it.
19. The Applicant is entitled to sell the property.
20. The Respondent is a widow. She is 70 years of age. She suffers from some health problems including problems with mobility.
21. The Respondent resides in the property with two adult sons one of whom acts as her carer.
22. The Respondent has been in contact with the local authority and local housing associations in an attempt to be rehoused in social housing.
23. In the long term given the Respondents mobility issues the property is not ideal for her needs as it has stairs up to the front door.
24. A period of delay prior to eviction would assist the Respondent in organising her move from the property and in obtaining alternative accommodation.
25. It is reasonable to grant an eviction order.

Reasons for decision

26. The Tribunal was satisfied having considered all the documentary evidence and the submissions from the Applicants agent and the Respondents representative at the Case Management Discussion that it had sufficient information before it to make the relevant findings in fact, and to enable it to reach a decision on the application. The order sought was ultimately not opposed by the Respondent.
27. 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 on the local authority.
28. The Tribunal was satisfied that the Applicant intended to sell the property within three months of recovering possession to enable him to fund his retirement and make provision for his family, and that he was entitled to do so.
29. The Tribunal considered the Respondent's circumstances. The Tribunal was aware of her accommodation needs and the fact that the local authority would not consider her for priority housing until such time as an order was made by the Tribunal. The Tribunal considered that allowing the Respondent to remain in the property for 60 days would make it less likely that she would need to go into temporary accommodation.
30. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to reasonableness and determine how much weight should be applied to them. The Tribunal attached considerable weight

to the fact that the Applicant wanted to sell the property to enable him to fund his retirement and that the Respondent did not oppose the granting of the order.

31. The Tribunal was satisfied that the provisions of paragraph 1 of Schedule 3 of the 2016 Act have been met in this case.
32. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted but that the order should not be enforced until 17th November 2026 at the earliest.
33. The decision of the Tribunal was unanimous.

Decision

34. An eviction order in respect of the property is granted.

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

18th September 2026

Legal Member/Chair **Date**