



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

**Chamber Ref: FTS/HPC/EV/24/5007**

**Property at 74 Dundrennan Road, Flat 0/2, Glasgow, G42 9SG (“the Property”)**

**Parties:**

**Mr Ather Latif, 21 Priorwood Road, Newton Mearns, Glasgow, G77 6ZZ (“the Applicant”)**

**Mr James Campbell, 74 Dundrennan Road, Flat 0/2, Glasgow, G42 9SG; Mrs Maria Campbell, formerly 74 Dundrennan Road, Flat 0/2, Glasgow, G42 9SG and currently Address Unknown (“the Respondents”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision - in absence of the Respondents**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondents in favour of the Applicant.**

**Background**

1. The Applicant seeks an eviction order in terms of Section 51 and Ground 5 of schedule 3 of the 2016 Act. A section 11 notice, tenancy agreement, Notice to leave and email from the Applicant were submitted with the application.
2. A copy of the application was served on the Respondents, and the parties were notified that a CMD would take place by telephone conference call on 8 May 2025 at 2pm.
3. The CMD took place on 8 May 2025. The Applicant was represented by Ms McLelland and Ms Harper. The Respondents did not participate and were not represented.

## **Summary of Discussion**

4. Ms McLelland told the Tribunal that the Respondents are mother and son. She said that Mrs Campbell has moved out of the property. They do not know when this occurred, and she has refused to provide a forwarding address. The agents recently visited the property. They did not manage to speak to Mr Campbell, but a neighbour confirmed that he is still residing there. He subsequently telephoned to confirm that he is still living at the property. He said that he is looking for alternative accommodation but has not found anything.
5. In response to questions from the Tribunal, Ms McLelland said that the Applicant contacted her two weeks ago. He said that his son and his wife are currently staying with family in overcrowded conditions which is causing a great deal of strain. They intend to move into the property as soon as it becomes available. Mr Latif previously sold his only other rental property, and the couple have nowhere else to live. The Tribunal was also told that Mr Campbell is in his late twenties or early thirties. He now lives at the property alone. He is believed to be in employment, but the agents have no information about his job. He told them that he cannot afford to pay the rent. Otherwise, he has not provided any information about his circumstances. The last payment to the rent account was in October 2024 and the arrears now stand at £4500.

## **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondents are the tenants of the property.
8. The Applicant's son and his son's wife intend to live in the property. They currently have no suitable accommodation of their own and are living with family.
9. The Applicant served a Notice to leave on the Respondents on 25 July 2024.
10. The Second Respondent has vacated the property.
11. The First Respondent is still residing at the property. He resides there alone.
12. The Respondents have incurred rent arrears of £4500.

## **Reasons for Decision**

13. The application was submitted with a Notice to Leave dated 25 July 2024 together with an email to the Respondents which establishes that it was sent to

them on that date. The Notice states that an application to the Tribunal is to be made on ground 5, a family member of the landlord intends to live in the let property.

14. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
15. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
16. Ground 5 of schedule 3 states, "(1) It is an eviction ground that a member of the landlord's family intends to live in the let property. (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if – (a) a member of the landlord's family intends to occupy the let property as that person's only or principal home for at least 3 months, and (b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact."
17. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant's son and his son's wife intend to live in the property as their only or principal home for at least 3 months and that the first part of ground 5 is established
18. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted that the Respondents did not participate in the CMD, contact the Tribunal or indicate if the application is opposed. It also appears that Mrs Campbell has secured alternative accommodation, as she has moved out of the property. Mr Campbell has not moved out and it appears that he has not managed to find alternative accommodation. However, there is no evidence that he will be unable to do so. The Tribunal also notes that the Applicant's son and his wife are effectively homeless. They have no suitable accommodation of their own and are currently staying with family. The Tribunal was also told that the Respondents have ceased paying rent and substantial arrears have accrued. In all the circumstances, the Tribunal concludes that it would be reasonable to grant the order for eviction.
19. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 5 has been established. For the reasons outlined in paragraph 18, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

## **Decision**

20. The Tribunal determines that an eviction order should be granted against the Respondents.

**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.

**Josephine Bonnar, Legal Member**

**Date: 8<sup>th</sup> May 2025**