



**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**

**Chamber Ref: FTS/HPC/EV/24/5469**

**Re: Property at 378 Tweedsmuir Road, Hillington, Glasgow, G52 2EH (“the Property”)**

**Parties:**

**Mr Thomas Hunter, Miss Paula Hunter, 6 Berryknowes Drive, Cardonald, G52 2DZ (“the Applicant”)**

**Miss Nikki Parker, 378 Tweedsmuir Road, Hillington, Glasgow, G52 2EH (“the Respondent”)**

**Tribunal Members:**

**Graham Harding (Legal Member) and Elizabeth Dickson (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property but that enforcement of the order be suspended for a period of six weeks from the date of the decision.**

**Background**

1. By application dated 25 November 2024 the Applicants’ representative, Queen Bee Properties, Glasgow, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s representatives submitted a copy of a tenancy agreement, Notice to Leave with execution of service, Section 11 Notice, a letter of appointment by the Applicants and a letter from Shepherds Surveyors together with other documents in support of the application.

2. By Notice of Acceptance dated 24 March 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion ("CMD") was assigned.
3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 23 May 2025.

### **The Case Management Discussion**

4. A CMD was held by teleconference on 17 July 2025. The Applicants did not attend but were represented by Ms Nicola Queen from the Applicants' representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation of the CMD had been given to the Respondent determined to proceed in her absence.
5. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 29 July 2018 at a rent of £575.00 per calendar month. Ms Queen advised the Tribunal that the rent had been increased in 2024 to £590.00 per month. The Tribunal also noted that the Respondent had been personally served with a Notice to Leave under ground 1 of schedule 3 of the 2016 Act on 30 July 2016 and that the notice provided that proceedings would not be raised before 23 October 2024. The Tribunal also noted that a Section 11 Notice had been sent to Glasgow City Council by post on 25 November 2024 and that the Applicants had obtained a "desktop" valuation of the property from Shepherds Surveyors, Glasgow.
6. Ms Queen explained that the Applicants fixed rate mortgage had come to an end and that she had been advised by the Applicants that the rent for the property was insufficient to meet the cost of the increased mortgage. Ms Queen said that the property was the Applicants only property and that in the circumstances as the Respondent was unable to pay any increase in rent it made sense for the Applicants to sell the property as they had a young family to support.
7. Ms Queen explained that the Respondent had separated from her partner and was now a single parent with two primary school age children aged about 10 and 12. Ms Queen thought that the Respondent had been under considerable stress following her separation with two salaries being reduced to one and had struggled to meet her rent payments and had accrued rent arrears of £2100.00. Ms Queen advised the Tribunal that other similar properties in the area were renting for about £925.00 per month and Ms Queen was aware that the Respondent could not afford to continue to rent privately and had been in contact with the local authority for housing. Ms Queen also said that the Respondent was prepared to move from the property if accommodation could be found.

### **Findings in Fact**

8. The Respondent commenced a Private Residential Tenancy of the property on 29 July 2018.
9. A Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act was served on the Respondent on 30 July 2024.
10. A Section 11 Notice was sent to Glasgow City Council on 25 November 2024.
11. The Applicants intend to market the property for sale.
12. The Applicants' fixed rate mortgage has come to an end and the rent from the property is insufficient to meet the cost of the increased monthly mortgage payments.
13. The Applicants have two young children to support.
14. The property is the Applicants' only let property.
15. The sale of the property will remove financial pressure from the Applicants.
16. The Respondent lives in the property with her 10-year-old and 12-year-old children.
17. The Respondent is struggling to maintain her rent payments and cannot afford to pay any increase in rent.
18. The Respondent has applied to the local authority for housing.

### **Reasons for Decision**

19. The Tribunal was satisfied from the documents submitted and the oral submissions from Ms Queen that the parties entered into a Private Residential tenancy that commenced on 29 July 2018. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 1 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Glasgow City Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the oral submissions that Applicants intend to market the property for sale.
20. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property

had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted that despite being given an opportunity to submit written representations and to attend the CMD the Respondent had chosen to do neither. The Tribunal had to balance the needs of the Applicants with the needs of the Respondent in arriving at a decision. On the one hand there were the Applicants who were suffering financially due to their increased mortgage costs and the Respondent being unable to meet the cost of any increase in rent. The Tribunal was satisfied that the sale of the property would undoubtedly alleviate the Applicants financial issues. On the other hand, the Tribunal also had to take account of the needs of the Respondent who had to care for her two young children. However, the Respondent had not sought to oppose the application and had applied for local authority housing and was clearly struggling to maintain her current rental payments. The Tribunal also took into account the fact that as the Respondent had young children, she would be likely to be given priority for housing if an order for eviction was granted.

21. After carefully considering the circumstances of both parties the Tribunal was persuaded that the needs of the Applicants in this application were such that although there would undoubtedly be an adverse impact on the Respondent and her children it was reasonable to grant the order but that in order to give the Respondent some additional time to be rehoused by the local authority enforcement of the order would be suspended for a period of six weeks.

### **Decision**

22. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing finds the Applicants entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of six weeks from the date of the decision.

### **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.**

**Graham Harding**  
**Legal Member/Chair**

**17 July 2025**  
**Date**