



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988, as amended (“the 1988 Act”) and Rule 65 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”)

Chamber Ref: FTS/HPC/EV/25/1079

Re: Property at 53A Arthurlie Street, Barrhead, Glasgow, G78 2EP (“the Property”)

Parties:

Mr Steven McKeown, 123 Glasgow Road, Barrhead, G78 1DS (“the Applicant”)

Miss Louise McKeown, 53A Arthurlie Street, Barrhead, Glasgow, G78 2EP (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that that an order for recovery of possession of the property be granted.

Background

1. By application received on 11 March 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the property in terms of Section 18 of the 1988 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 5 to the 1988 Act (landlord requires house as principal home). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Quit and AT6/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003/proof of service of same and some further background information.

2. Following initial procedure, on 2 April 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 5 September 2025 was served on the Respondent by way of Sheriff Officer on 25 July 2025. No written representations were received from the Respondent prior to the CMD.

Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference call on 5 September 2025 at 10am, attended by Miss Daryl Walker of Clarity Simplicity Ltd, the Applicant's legal representative, and the Respondent, Miss Louise McKeown.
5. Following introductions and introductory remarks by the Legal Member, there was discussion regarding the eviction application and the Respondent's position in relation to the application. It was noted that Miss McKeown is the cousin of the Applicant and that they remain on fairly good terms. The tenancy had commenced in 2014 and was an Assured/Short Assured Tenancy. Miss McKeown confirmed that she was not opposing the application but had been told by the local authority that if she moved out before an eviction order had been granted, she could be regarded as being intentionally homeless. She has just had to sit and wait for the Tribunal process to take place. Miss McKeown confirmed that she had been in contact with the local authority and Barrhead Housing Association about alternative housing and has had advice from CAB. The property is a two-bedroom property, where she lives with her adult son, aged 19 and it is a two-bedroom property that she is seeking. She has no health conditions but her son has been seeing a consultant about a sleep disorder. She has made the local authority aware of that and has maximised her housing points as much as possible. Miss McKeown confirmed that, due to the housing crisis, the local authority have advised her that they may require to be accommodated in hotel-type accommodation initially, until they find other temporary accommodation for them. She does not have any other family with whom she and her son could stay temporarily. She was asked for her views on the Tribunal granting her an extension on the usual eviction period. She indicated that she did not know whether that would assist or not but that a bit more time may be beneficial for the local authority.
6. Miss Walker then presented the application on behalf of the Applicant. She had known from the Applicant that this was likely to be Miss McKeown's position today. She confirmed that the Applicant had been in communication with Miss McKeown regarding the matter, although there had not been much communication in recent months. Miss Walker confirmed that the Applicant wishes to recover the Property to live in with his partner as his main or principal home. He currently lives with his partner in a one-bedroom flat but they need more room to start a family. After he purchased the Property in 2007, Miss Walker understands that he lived in the Property but later was working away

from home and did not need the Property. She thinks Miss McKeown was his first and only tenant in the Property and her tenancy had begun in 2014. The Applicant had originally purchased the Property for his own benefit and Miss McKeown had always been aware that he would require the Property back for his own use at some point. There was a clause in the tenancy agreement covering this, so the situation had been reflected in writing. Miss Walker was fairly certain that this was the only property that the Applicant owned and he was exempt from needing a Landlord Registration due to Miss McKeown being a family member. Miss McKeown confirmed that she took no issue with any of these details.

7. Miss Walker stated that she had not taken the Applicant's specific instructions on the issue of a possible extension of the eviction date but felt sure that, given the relationship between the parties, he would be flexible in this regard. He will assist her any way he can in relation to any housing applications and has incurred legal costs to ensure that this application was dealt with properly. In summing-up, she confirmed that the terms of the eviction ground were met, that Miss McKeown had been given the correct notice periods and that, in her submission, it was reasonable for the Tribunal to grant the eviction order today.
8. Miss McKeown had nothing further to add by way of summing-up.
9. The Tribunal Members adjourned to consider the application in private and, on re-convening, advised that the eviction order would be granted, subject to an extension of around one month on the eviction date to allow the Respondent some additional time to liaise with the local authority requiring her obtaining alternative housing. There was some brief discussion about the procedures to follow and Miss McKeown confirmed that she would let the local authority know right away that the earliest date to be stipulated in the eviction order would be around **5 November 2025** (two months from now). It was explained to Miss McKeown that, if she secured alternative accommodation prior to that date, she could arrange with the Applicant to move out earlier. Parties were thanked for their attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of an Assured Tenancy which commenced on 8 January 2014.
3. The Applicant previously occupied the Property as his own home from around 2007 when he purchased the Property.
4. The Applicant subsequently let the Property to the Respondent, due to a change in his own circumstances at that time.
5. The Respondent is the Applicant's cousin.

6. Due to a further change in circumstances, the Applicant now requires the Property to live in as his only or principal home.
7. The Applicant currently lives with his partner in a one-bedroom flat but they wish to move into the Property, which has two bedrooms, to start a family.
8. The Respondent was made aware before entering the tenancy with the Applicant that the Applicant would require the Property back at some point for his own use.
9. There was a clause regarding Ground 1 being a ground for recovery in the tenancy agreement between the parties.
10. A Notice to Quit in proper form and giving the requisite period of notice was served on the Respondent by Sheriff Officer on 5 November 2024, bringing the contractual tenancy to an end on 7 January 2025, an ish date, in terms of the tenancy.
11. An AT6 in proper form and giving the requisite period of notice was served on the Respondent by Sheriff Officer on 8 January 2025, stipulating the relevant date of 8 March 2025.
12. The Tribunal application was submitted on 11 March 2025, after the notice period in the AT6 had expired.
13. The Respondent is still in occupation.
14. The Respondent has made application for alternative social housing for herself and her son but understands this will not be progressed unless and until an eviction order is granted.
15. The Respondent did not lodge written representations but did attend the CMD and did not oppose the application.
16. The Respondent did not seek an extension on the eviction date but the Applicant's agent understood he was likely to be flexible regarding the matter and would also assist the Respondent in any way he could in respect of her housing applications.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation and the oral information provided at the CMD by the Applicant's representative and by the Respondent herself.

2. The Tribunal found that the application was in order, that a Notice to Quit and AT6 in proper form and giving the correct periods of notice had been served on the Respondent, both by Sheriff Officer, and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 1988 Act.
3. The application was on Ground 1 of Schedule 5 to the 1988 Act, which states as follows:-

“Ground 1

Not later than the beginning of the tenancy the landlord (or, where there are joint landlords, any of them) gave notice in writing to the tenant that possession might be recovered on this Ground or the First-tier Tribunal is of the opinion that it is reasonable to dispense with the requirement of notice and (in either case)—

(a) at any time before the beginning of the tenancy, the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them occupied the house as his only or principal home; or

(b) the landlord who is seeking possession or, in the case of joint landlords seeking possession, at least one of them requires the house as his or his spouse's or civil partner's only or principal home, and neither the landlord (or, in the case of joint landlords, any one of them) nor any other person who, as landlord, derived title from the landlord who gave the notice mentioned above acquired the landlord's interest in the tenancy for value.”

The Tribunal considered that all elements of the ground for eviction were met. There was no dispute that the Applicant had previously resided in the Property as his principal home, nor that he required to recover possession in order to live there again, given his own changing family circumstances. Nor was there any dispute regarding the Respondent having been aware at the outset of her tenancy that the Applicant may require to recover the Property in future for his own use, to live in as his principal home. It was noted by the Tribunal that there was mention made of Ground 1 in the tenancy agreement, that the parties were cousins and remained on relatively good terms. The Tribunal was also satisfied, with reference to the requirement of Section 18(4) of the 1988 Act that it was reasonable, having regard to all of the circumstances, to grant the eviction order sought. The Tribunal had regard both to the Applicant's current circumstances, as narrated above, and to the circumstances of the Respondent, particularly that she requires to find alternative accommodation for herself and her adult son, aged 19, who has a health condition. However, the Tribunal noted that the Respondent did not wish to oppose the order being granted as she took no issue with the Applicant's position and understood from the local authority that her housing application will be further progressed only if an order is granted. It was also noted that she had also applied to a local housing association for housing and had sought advice in the matter from CAB.

4. The Tribunal, having considered the comments of both parties in respect of the issue of an extension of the eviction date, considered it reasonable to exercise their discretion and add an extension of a month over and above the usual time period which would be stated in an eviction order. The earliest date to be stated in the order for eviction will accordingly be **5 November 2025**. The Tribunal considered that this would provide the Respondent with a bit more time to work with the local authority and hopefully secure alternative accommodation in the meantime.
5. The Tribunal accordingly determined that an order for recovery of possession of the Property could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

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.

Nicola Weir

Legal Member/Chair

5 September 2025
Date