



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1461

Re: Property at 33 Croftburn Drive, Glasgow, G44 5JG (“the Property”)

Parties:

Miss Carol Hawey, 56 Second Avenue, Glasgow, G44 4TE (“the Applicant”)

Mr Ross Hunter, 2/2, 61 Neilston Road, Paisley, PA2 6LZ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application where the Applicant is seeking an eviction order under ground 5. The Applicant lodged a copy of a private residential tenancy agreement between the parties commencing on 1st March 2024, a notice to leave with evidence of service, evidence to support the ground of eviction, a rent statement, and a section 11 notice with evidence of service.
2. On or around 7th October 2025, Sheriff Officers attended at the Property and were informed that the Respondent had left the Property. Service of the application and notification of a Case Management Discussion was unsuccessful.
3. By email dated 20th October 2025, the Applicant provided an alternative address for the Respondent.
4. By email dated 22nd October 2025, the Applicant informed the Tribunal that she was unable to withdraw the application as the Respondent had not vacated the Property.

5. A Case Management Discussion (“CMD”) took place by telephone conference on 12th November 2025. The Applicant was in attendance with a supporter. The Respondent was not in attendance. The Tribunal ascertained that service upon the Respondent at the alternative address had not been carried out, and the Respondent was unaware of the CMD. The Tribunal informed the Applicant that the CMD could not proceed in these circumstances, in terms of Rule 17 of the Procedural Rules. The Tribunal undertook to expedite a further CMD and ensure that service of the application and CMD would be carried out by Sheriff Officer at both the Property and the alternative address. A CMD was scheduled to take place by telephone conference on 5th December 2025.
6. By email dated 12th November 2025, the Applicant lodged an application to amend the sum sought in the conjoined application for an order for payment. The outstanding sum at that time was £8363.25.
7. Service of the application and notification of the CMD was made upon the Respondent at the Property and at his new address by Sheriff Officer on 14th November 2025.

The Case Management Discussion

8. A CMD took place by telephone conference on 5th December 2025. The Applicant was present. The Respondent was not in attendance.
9. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondents. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent.
10. The Applicant said there had been no further contact from the Respondent since he had informed her in October that he still had belongings in the Property. She had tried to contact him by WhatsApp with no success. The Applicant attended at the Property recently and discovered that the Respondent continues to have belongings stored in the Property. The Applicant confirmed her brother is moving into the Property as set out in the application.
11. The Applicant said she had previously offered to assist the Respondent in moving his belongings from the Property. She had offered storage, removal and transport, to no avail.
12. The Applicant said the Respondent has two children, but they do not live with him at the Property. The Respondent lived at the Property previously under a joint tenancy. The Respondent has had health issues in the past. The Applicant supported him through these issues. The Applicant said she is unaware if the issues persist. The rent arrears are now £9001.25.

Findings in Fact and Law

13.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property on 1st March 2024.
 - (ii) A qualifying member of the Applicant's family intends to live in the let property.
 - (iii) A qualifying member of the Applicant's family intends to occupy the let property as their only or principal home for at least 3 months.
 - (iv) The Applicant has served notice to leave upon the Respondent.
 - (v) It is reasonable to grant an eviction order.

Reasons for Decision

14. Ground 5 of Schedule 3 of the 2016 Act provides that it is an eviction ground that a member of the landlord's family intends to live in the let property. The Tribunal may find that the ground applies if a qualifying 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.
15. The Tribunal is satisfied that Ground 5 has been established, in that the Applicant's brother intends to occupy the Property as his only or principal home for at least 3 months, as set out in his letter dated 2nd April 2025, which is within the case papers.
16. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondent in terms of the Act.
17. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties. The Applicant's family member requires to move into the Property and he cannot do so without an eviction order. The Applicant has been left in a difficult situation by the Respondent's failure to vacate the Property and bring the tenancy to an end. The Applicant has suffered financially due to the arrears of rent, which are significant and rising. The Respondent has made no effort to address the arrears or bring the situation to a conclusion by vacating the Property. The Respondent has secured alternative housing. The Respondent did not see fit to attend the CMD or make representations. The Tribunal was unable to fully assess the impact upon the Respondent of making an eviction order, however, the impact would appear to be diminished by the fact that the Respondent has alternative accommodation. The Respondent has had a significant period in which to remove his belongings and end the tenancy, and he has not done so. If no order is made, it is likely the situation will continue,

with the Applicant's family member being unable to move into the Property,
and the Applicant continuing to suffer financially.
18. The Tribunal is satisfied that it is reasonable to grant an eviction order.

Decision

19. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 6th January 2026.

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.

Helen Forbes

Legal Member/Chair

Date 5TH December 2025