



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 2988

Chamber Ref: FTS/HPC/EV/25/2795

Re: Property at Flat 1/2, 287 Glasgow Road, Blantyre, Glasgow, G72 9HJ ("the Property")

Parties:

Mr David Ian Glasgow, 1 The Fort, Helens Bay, Bangor, BT19 1PU ("the Applicant")

Mr James McAlpine, Flat 1/2, 287 Glasgow Road, Blantyre, Glasgow, G72 9HJ ("the Respondent")

Tribunal Members:

Mark Thorley (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an Order for Eviction of the Respondent from the Property be granted.

- **Background**
 1. The Applicant applied to the First-Tier Tribunal for Scotland for an Order for Eviction by application dated 27 June 2025. The basis of the Order for Eviction is that the Applicant wishes to surrender the Property to the mortgage lender, to allow for the sale of the Property.
 2. The application was accepted for determination on 21 July 2025.
 3. It was served by Sheriff Officers on 31 October 2025. A copy of the application was deposited at the Respondent's address.
 4. The Applicant provided further submissions dated 27 November 2025, which included a copy of a letter from the mortgage lender. The Respondent

made submissions through his representatives, Hamilton CAB, and provided certain medical information.

- **The Case Management Discussion**

1. At the case management discussion, Ms McDiarmid attended, along with the Applicant. The Respondent was represented by Mr Roberts from Hamilton CAB.
2. Mr Roberts made clear at the outset that the Respondent did not oppose the Order for Eviction. The Respondent needed the Order to be granted in order that he could be rehoused.
3. Thereafter, further information was provided by the Applicant as to the necessity of the Order. The Applicant had a portfolio of properties. These essentially had ended up in negative equity. The mortgages had risen on the properties. He could not afford to pay the mortgages. He had been made redundant.

- **Findings in Fact**

1. The parties entered into a Short Assured Tenancy on 14 August 2015 for the rental of the property at the sum of Three Hundred and Fifty Pounds (£350) per month.
2. The Applicant had a portfolio of properties that he let out. He had approximately ten properties, of which he had sold five. This property was in negative equity.
3. The Applicant had been made redundant. The Applicant was unable to pay the mortgage. The Applicant wished to surrender the Property back to the mortgage lender in order for the Property to be sold.
4. The Respondent lived at the address on his own and was assisted by his mother, who lived nearby.

- **Reasons for Decision**

1. There was no opposition to the granting of the Order here. The Respondent needed an Order to be granted in order that he could be rehoused. The Respondent, through his agent, acknowledged that the Property had to be sold and that he could not remain there.
2. He was a single man who had certain medical issues and was supported by his mother, who lived nearby.
3. The Applicant needed the Property to be sold. He had effectively an insolvent portfolio of properties. The mortgages on the properties

outweighed the value of the properties. He had been made redundant and could not meet the mortgage payments on the properties.

4. The Tribunal accepted this evidence.
5. The Tribunal took the view that it was reasonable to grant the Order, standing that the Respondent did not oppose the Order and the Respondent's own personal circumstances.

- **Decision**

1. To grant an Order of Eviction.

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.

M. Thorley

6th January 2026

Legal Member

Date