

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/25/2281**

**Property at 12 Whitacres Road, Glasgow, G53 7LJ (“the Property”)**

**Parties:**

**Mr Terry McDermott, Mrs Samantha McDermott, 5 Parkmeadow Avenue, Glasgow, G53 7ZG (“the Applicant”)**

**Ms Nicole Sproull, 12 Whitacres Road, Glasgow, G53 7LJ (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicants. The Tribunal also ordered a delay in execution of the order until 6 April 2026 in terms of Rule 16A(d) of the Tribunal Rules of Procedure 2017.**

**Background**

1. The Applicants seek an eviction order in terms of Section 51 and ground 4 of schedule 3 of the 2016 Act. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 12 January 2026 at 2pm. Prior to the CMD, the Respondent’s representative lodged a brief submission.
2. The CMD took place on 12 January 2026. The Applicants participated. The Respondent also participated and was represented by Ms Walker.

## **The CMD**

3. Ms Walker and Ms Sproull advised the Tribunal that the application is not opposed. The Respondent made a homeless application to Glasgow City Council which has been accepted, although they have not yet offered her a suitable property. For this reason, the Respondent requests a delay in execution of the order to allow more time for the Council to identify a suitable property, as the Respondent hopes to avoid being placed in temporary accommodation. Ms Walker advised that the Council accepted duty partly due to the condition of the property. There were issues with the boiler although this was replaced. However, the property is also affected by dampness. Ms Walker said that the Respondent is looking for at least 3 months, more if the Tribunal is willing to grant it. The Tribunal was told that the Respondent has three children, aged 13, 10 and 4 who attend local schools. She hopes to be offered a house in the same area so that they don't require to change school.
4. Mrs McDermott told the Tribunal that she and her family are currently homeless. They are all staying with different relatives and cannot live together until they get their house back. She explained that 12 years ago she decided to let out the property, which has three bedrooms, and rent a larger property for her family. However, the landlord applied for an eviction order a year ago and since then they have been homeless. Mrs McDermott stated that she has four children aged 22, 16, 15 and 12. The oldest is in the army and no longer lives with his parents so the property is now suitable for their needs. The children also attend a local school in the area. She disputes that the property is currently in disrepair. In relation to the extra time sought by the Respondent, Mrs McDermott said that she had no objection to a short period but, as she is currently homeless, this should be kept to a minimum.

## **Findings in Fact**

5. The Applicants are the owners and landlords of the property.
6. The Respondent is the tenant of the property.
7. The tenancy is a private residential tenancy.
8. The Applicants intend to live in the property.
9. The Applicants served a Notice to leave on the Respondent on 5 March 2025.
10. The Respondent resides at the property with three children who attend local schools. She does not oppose the application and has applied to the Council, and been accepted as a homeless person.
11. The Applicants are currently homeless and require to recover possession of the property so that they can live together as a family.

## Reasons for Decision

12. The application was submitted with a Notice to Leave dated 5 March 2025 together with Post Officer certificate of posting which establishes that it was served on the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 4, the landlord intends to live in the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 1 June 2025.
13. 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.
14. 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."
15. Ground 4 of schedule 3 (as amended) states, "(1) It is an eviction ground that the landlord 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) the landlord intends to occupy the let property as the landlord'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."
16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicants intend to live in the property and that part 1 of ground 4 is established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
  - (a) The Respondent does not oppose the application and has been advised that she will be offered alternative accommodation by the Local Authority.
  - (b) The Applicants and their children are currently homeless and are staying separately with various relatives. They require to recover possession of the property so that they can live together as a family unit.
18. The Tribunal concludes that the Applicants have complied with the requirements of the 2016 Act and that ground 4 has been established. For the reasons outlined in paragraph 17, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

19. The Tribunal noted that the Respondent seeks a delay in enforcement of the order for at least 3 months, to allow time for the Council to identify a suitable property for her family. This was not opposed by the Applicants although, as they are currently homeless, they indicated that the delay should be restricted. The Tribunal is satisfied that a delay to 6 April 2026 would be appropriate, having regard to the circumstances of both parties

## **Decision**

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

## **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**

**12 January 2026**