



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/3308**

**Re: Property at 145 Gatehouse Street, Flat 0/1, Glasgow, G32 9BZ ("the Property")**

**Parties:**

**Ecosse Estates Ltd, Office 2, Room 8, Kirkhill House, Broom Road East, Newton Mearns, Glasgow, G77 5LL ("the Applicant")**

**Ms Violet Anne Doherty, 145 Gatehouse Street, Flat 0/1, Glasgow, G32 9BZ ("the Respondent")**

**Tribunal Members:**

**James Bauld (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application for the order for possession should be granted**

**Background**

1. By application dated 4 August 2025 the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the Act") and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the procedure rules"). On 20 August 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 10 February 2026, and appropriate intimation of that hearing was given to all parties.

## **The Case Management Discussion**

3. The Case Management Discussion (CMD) took place on 10 February 2026 via telephone case conference. The applicant was represented by their Property Manager Mrs. Jane Strain. The Respondent was also present.
4. The tribunal explained the purpose of the CMD, the overriding objective of the tribunal and the powers available to the tribunal to determine matters.
5. The tribunal asked various questions of the applicant's representative and the respondent with regard to the application.

## **Summary of initial discussions at CMD**

6. The tribunal noted that the eviction was sought under and in terms of ground 11 and 14 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016
7. Ground 11 is that the tenant has failed to comply with an obligation under the tenancy. Ground 14 is that the tenant has engaged in relevant anti-social behaviour
8. It was not disputed that the parties were the landlord and tenant of a tenancy of the property which was a private residential tenancy under and in terms of the 2016 Act.
9. It was also accepted that a Notice to Leave had been served on the respondent indicating that the applicant intended to seek an eviction order based on grounds 11 and 14.
10. The respondent immediately advised the tribunal that she was not opposed to the granting of the order. She indicated that she was finding it intolerable to stay in the property. She stated that she is receiving support from certain agencies, including social work. She believes she will be able to secure alternative accommodation relatively quickly. She has already approached the homelessness team at the local council.
11. The applicant's representative confound she wished the order to be made.

## **Findings in fact**

12. The applicant and respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 1 September 2021.
13. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016. ("the Act")
14. The agreed rental was initially £550 per month and is now £652.
15. On 30 June 2025 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice was served by sheriff officers and became effective on 30 July 2025
16. The notice informed the respondents that the landlord wished to seek recovery of possession using the provisions of the Act.
17. The notice was correctly drafted and gave appropriate periods of notice as required by law.
18. The notice set out a ground contained within schedule 3 of the Act, namely grounds 11 and 14.
19. The respondent is 61 years of age. She resides at the property alone.

## **Discussion and reasons for decision**

20. The ground for eviction under which this application was made is the ground contained in paragraphs 11 and 14 of schedule 3 of the 2016 Act. The grounds are that the tenant has failed to comply with an obligation under the tenancy. Ground 14 is that the tenant has engaged in relevant anti-social behaviour.
21. The Respondent has confirmed that she does not object to the order being granted. It seems to be apparent that she has allowed the interior of the property to deteriorate to an extent that it is a breach of an obligation of the tenancy. In terms of clause 17 of the tenancy agreement, the respondent agreed to take reasonable care of the property. In terms of clause 21 of the tenancy agreement, the respondent agreed to occupy the property in a manner where her behaviour would not in the reasonable opinion of the landlord constitute a nuisance to neighbours. The applicant has lodged evidence demonstrating breaches of both clauses. Ground 11 is established.
22. The evidence relating to the breach of clause 21 of the tenancy agreement is also evidence of general antisocial behaviour in terms of ground 14 of the 2016

Act. The applicants have produced evidence that complaints have been made by neighbours relating to the condition of the respondent's property. These complaints, which were not disputed by the respondent, demonstrate that the respondent's behaviour falls within the definition of anti-social behaviour as contained within ground 14. Ground 14 is also established

23. An eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
24. The only matter to be determined in this application is whether it is reasonable to grant the order.
25. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

*“[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account”.*

26. In determining whether it is reasonable to grant the order, the tribunal is therefore now required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. There is no presumption, as a matter of law, in favour of giving primacy to the property rights of the landlord over the occupancy rights of the tenant, or vice versa
27. The tribunal finds that it is reasonable to grant the order. The balance in this case favours the applicant and the respondent does not oppose the order.
28. The respondent is seeking alternative accommodation. She has approached the local council's homelessness prevention team. She is obtaining support from appropriate agencies.

29. The respondent does not oppose the Order and will be able to seek appropriate assistance from the local council. It is likely that she will only be fully assisted in obtaining alternative accommodation when an eviction order is granted and she faces actual homelessness.
30. The granting of the order may therefore ultimately (and almost counter intuitively) benefit the respondent in her attempts to obtain alternative suitable accommodation.
31. The tribunal will delay enforcement of the order until 30 March 2026 to give some additional time to the respondent to obtain alternative housing or to seek appropriate advice relating to rehousing
32. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made at the CMD.

### **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.**

# **Jim Bauld**

11 February 2026

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**Legal Member/Chair**

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**Date**