



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/25/3558

Re: Property at 7 Antonine Avenue, Motherwell, ML1 3QL (“the Property”)

Parties:

Mr Mohammed Afzal, 53 Linksvie Road, Motherwell, ML1 4AY (“the Applicant”)

Ms Caroline Gardner, 7 Antonine Avenue, Motherwell, ML1 3QL (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 2pm on 26 February 2026, by teleconference. The Applicant was represented on the call by Mrs Angelina Franchitti, of Property Angels. The Respondent was on the call in person and represented by Mr Brett Barton, a friend.

- Findings in Fact

The Respondent confirmed that she was not opposing the application. The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 9 September 2023.
2. On 13 May 2025, the Applicant's agent emailed a notice to leave to the Respondent, stating that he would rely on Ground 5 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
3. The Applicant's son and daughter-in-law intend to occupy the Property as their only or principal home for the foreseeable future.
4. They currently reside with the Applicant in his home, which is overcrowded as a result.
5. The Respondent occupies the Property with her two children aged 18 and 13.
6. The Respondent will not be rehoused by the local authority until an eviction order is granted.

- Reasons for Decision

7. Ground 5 is established here and, in particular, it is reasonable for the order to be granted. The Respondent wishes to move from the Property, but cannot do so without an order for her eviction.

- Decision

Eviction order granted.

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.

Nairn Young

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26/02/26

Legal Member/Chair

Date