



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/25/2927

Property : 70 Tantallon Drive, Coatbridge ML5 2LU (“Property”)

Parties

Andrew Anderson, 38 Blackcroft Road, Glasgow G32 0QZ (“Applicant”)

Leanne Hogg and John Owens, 70 Tantallon Drive, Coatbridge ML5 2LU (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property but to delay enforcement until 3 July 2026.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Private Tenancy Agreement which commenced on 21 November 2022; Notice to Leave under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 2 April 2025 ("Notice to Leave") with covering email addressed to the email address of the First Respondent of the same date; affidavit of the Applicant stating his intention to live in the Property; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 5 June 2025 and sheriff officer's execution of service certifying service of the Application on the Respondent on 8 January 2026.

On 10 February 2026 Leanne Hogg lodged a copy letter from NHS Lanarkshire dated 6 February 2026 regarding her son. On 10 February 2026 the Applicant lodged a copy email dated 27 August 2025 in which both Respondents confirmed receipt of the Notice to Leave sent to the agreed email address.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 16 February 2026 by teleconference. The Applicant was in attendance as were both Respondents. Mr Owens confirmed that he consented to the Notice to Leave being served on him by email to the email address of Leanne Hogg.

Ms Hogg told the Tribunal that she does not oppose the application but seeks a delay in enforcement until the end of the school year. She told the Tribunal that she has 4 children, ranging in age from 4 to 21, and explained that some of them have health issues.

Mr Anderson told the Tribunal that his circumstances have changed and he now wishes to move into the Property as his primary residence. He said that he had served the Notice to Leave so that it would expire in line with the school year. He said he had no issue with any order granted being delayed until the end of the school year. He suggested the date of 3 July 2026. Ms Hogg said that she would be happy with that date. Mr Anderson said that the Respondents had been very good tenants.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 21 November 2022.
2. The Notice to Leave was served on both Respondents by email on 2 April 2025.
3. Mr Owens consented to the Notice to Leave being sent to the email address of Leanne Hogg.
4. The Applicant intends to occupy the let property as their only or principal home for at least 3 months.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 5 June 2025.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule

3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 4 which is that the Applicant intends to live in the Property. Having considered the affidavit lodged and the oral submission made by the Applicant, the Tribunal determined that the ground for eviction had been established.

Having considered all of the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order but to delay enforcement until the end of the school year.

Decision

The Tribunal grants an order for possession of the Property but to delay enforcement until 3 July 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.

**Joan Devine
Legal Member**

Date : 16 February 2026