



**Decision 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/25/3875**

**Re: Property at 9 Clyde Terrace, Bothwell, G71 8DX (“the Property”)**

**Parties:**

**Mr Ross McLaren, 8 Sherwood Avenue, Uddingston, G71 7NX (“the Applicant”)**

**Mr Hugh Devine, 9 Clyde Terrace, Bothwell, G71 8DX (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.**

**Background**

1. By application dated 8 August 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The Ground relied on was Ground 4 of Schedule 3 to the Act, namely that the landlord intends to live in the Property. The application stated that the Applicant currently lives with his parents and that he will move into the Property once the Respondent has secured alternative accommodation.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, commencing on 8 May 2023, a Notice to Leave dated 17 April 2025 advising the Respondent that an application to the Tribunal under Ground 4 would not be made before 31 July 2025, and an email on 5 May 2025 from the Applicant to his letting agents, confirming his intention to move into the Property.
3. On 3 February 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written

representations by 24 February 2026. The Respondent did not make any written representations to the Tribunal.

### **Case Management Discussion**

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 19 March 2026. The Applicant was represented by Donna Marie Stewart of Igloo Estate Agents, Hamilton. The Respondent was not present or represented.
5. Ms Stewart told the Tribunal that the Respondent is still living in the Property. The letting agents have kept in contact with him and have let him have details of any other properties that might suit him, but he has told them that he wants a Council house, as he does not want to be in the position again where his landlord can give him Notice to Leave. He lives on his own and has no known disabilities or vulnerabilities. Ms Stewart understands that he has a meeting with the Council arranged for next week, and that he requires an Eviction Order before he will receive any help with rehousing. She added that the Applicant would have no issue with extending by a month the earliest date on which an Eviction Order can be enforced.

### **Reasons for Decision**

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that the Tribunal is to 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 to the 2016 Act applies.
8. Ground 4 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let property and that the Tribunal may find that Ground 4 applies if the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months and the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of that fact. Ground 4 goes on to state that evidence tending to show that the landlord has that intention includes an Affidavit that the landlord has that intention.
9. The Tribunal was satisfied that it is the intention of the Applicant to live in the Property whenever he can obtain vacant possession. The Tribunal also noted that the Respondent and the Applicant's agents have been in communication regarding other properties, that the Respondent has stated his wish to obtain a Council house rather than remain in the private rented sector and that he has not provided the Tribunal with any additional information he would like to be taken into account by the Tribunal in arriving at its Decision. The view of the Tribunal was that it appeared

to be in the interests of both Parties to issue an Eviction Order and that, in all the circumstances, it would be reasonable to do so.

10. The Tribunal decided that the Order should not be enforceable before 22 May 2026, as the Applicant had no objection to a delay of one month and it would provide the Respondent with more time to enter into discussions with the local authority regarding being rehoused.

### **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.**

George Clark

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Legal Member/Chair

19 March 2026  
Date