



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/25/4203

Re: Property at 35 Calico Road, Newton Mearns, Glasgow, G77 6GA ("the Property")

Parties:

Mr Nicholas Chan, 4 Bowmore Way, Newton Mearns, Glasgow, G77 5XH ("the Applicant")

Hina Bhatti, 35 Calico Road, Newton Mearns, Glasgow, G77 6GA ("the Respondent")

Tribunal Members:

Gillian Buchanan (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion ("CMD") which took place by telephone conference on 7 May 2026 the Applicant was not in attendance but was represented by Miss Chloe Herd of Clarity Simplicity Limited. The Respondent was not present or represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

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

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The application concerns a Private Residential Tenancy ("PRT") entered into between the parties relative to the Property that commenced on 19 July 2024.
- iii. In terms of the PRT the rent was agreed to be £2300 per calendar month.
- iv. On 18 June 2025, the Applicant served on the Respondent by Sheriff Officers a Notice to Leave dated 17 June 2025 requiring the Respondent remove from the

- Property by 13 September 2025 on the basis of Ground 5 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- v. This application is dated 1 October 2025.
 - vi. The Applicant has served on Renfrewshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD Miss Herd made the following submissions in response to questions from the Tribunal:-

- i. Rent arrears have recently accrued in a total sum of £2,940 representing the rent due on 19 April 2026 which is unpaid in full and the balance of the rent due on 19 March 2026.
- ii. The Respondent is believed to live in the Property with her children. However, the number and ages of the children are not known.
- iii. The Property is a 4 bedroomed detached house.
- iv. When the tenancy started the Respondent was employed with a good salary. However, in fact she ran her own business which has since closed.
- v. Rental payments are made by the Respondent directly.
- vi. The Applicant is aware the Respondent has contacted the local Council for support.
- vii. Access to the Property was last taken on 26 March 2026 and the Respondent's last contact with the Applicant's Letting Agent was on the same day.
- viii. The Applicant's parents own their own home. They intend to move into the Property and sell or rent out their own home. To walk from their own home to the Applicant's residence takes 1.5 hours. The Applicant's parents collect the Applicant's elder child from school each day. They are now also helping with his younger child who is now 1 year old. The Applicant's partner intends to return to work after her maternity leave.
- ix. Miss Herd had no information on whether a suitable bus route existing between the Applicant's parents' home and the Applicant's home. However their commitment to pick up the Applicant's elder child from school is time sensitive and public transport, if it exists, may be unreliable.
- x. The Applicant no longer wishes to be a landlord. He does not intend to rent out any property in the future. The Applicant does not own any other rental properties.

Findings in Fact

The Tribunal made the following findings in fact –

- i. The Applicant is the heritable proprietor of the Property.
- ii. The application concerns a PRT entered into between the parties relative to the Property that commenced on 19 July 2024.
- iii. In terms of the PRT the rent was agreed to be £2300 per calendar month.
- iv. On 18 June 2025, the Applicant served on the Respondent by Sheriff Officers a Notice to Leave dated 17 June 2025 requiring the Respondent remove from the Property by 13 September 2025 on the basis of Ground 5 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- v. The Applicant has served on Renfrewshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vi. The Property is a 4 bedroomed detached house.
- vii. The Applicant's parents own their own home. They intend to move into the Property and sell or rent out their own home. To walk from their own home to the Applicant's residence takes 1.5 hours. The Applicant's parents collect the Applicant's elder child from school each day. They are now also helping with his

- younger child who is now 1 year old. The Applicant's partner intends to return to work after her maternity leave.
- viii. The Applicant's parents do not drive.
 - ix. The Property is close to the Applicant's home thereby enabling the Applicant's parents to more easily give support with their grandchildren.
 - x. The affidavits of the Applicant's parents dated 17 November 2025 are sufficient to meet the terms of Ground 5, subparagraph 7 of Schedule 3 of the 2016 Act.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Miss Herd at the CMD was not challenged and was accepted by the Tribunal.

The application proceeds on Ground 5 of Schedule 3 of the 2016 Act which states:-

"5 Family member intends to live in property

- (1) It is an eviction ground that a member of the landlord's family 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) a member of the landlord's family intends to occupy the let property as that person'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.*
- (3) A member of the landlord's family is to be regarded as having the intention mentioned in sub-paragraph (2) if—*
 - (a) the family member is incapable of having, or expressing, that intention, and*
 - (b) the landlord and (if different) a person entitled to make decisions about where the family member lives, intend that the family member will occupy the let property as the family member's only or principal home for at least 3 months.*
- (4) For the purposes of this paragraph, a person is a member of the landlord's family if the person is—*
 - (a) in a qualifying relationship with the landlord,*
 - (b) a qualifying relative of the landlord,*
 - (c) a qualifying relative of a person who is in a qualifying relationship with the landlord,*
or
 - (d) in a qualifying relationship with a qualifying relative of the landlord.*
- (5) For the purposes of sub-paragraph (4)—*
 - (a) two people are in a qualifying relationship with one another if they are—*
 - (i) married to each other,*
 - (ii) in a civil partnership with each other, or*
 - (iii) living together as though they were married,*
 - (b) "a qualifying relative" means a parent, grandparent, child, grandchild, brother or sister,*
 - (c) a relationship of the half blood is to be regarded as a relationship of the whole blood,*
 - (d) a person's stepchild is to be regarded as the person's child,*
 - (e) a person ("A") is to be regarded as the child of another person ("B"), if A is being or has been treated by B as B's child.*
- (6) In a case where two or more persons jointly are the landlord under a tenancy, references to the landlord in this paragraph are to any one of them.*

(7) Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention."

The Applicant's parents are qualifying relatives of the Respondent. Their intention to occupy the Property as their only or principal home for at least 3 months is evidenced by their affidavits dated 17 November 2025. In the absence of any challenge the Tribunal accepts the reasons for the Applicant's parents intending to occupy the Property as their only or principal home, namely to assist with caring for their grandsons and collecting their elder grandson from school each day.

It is therefore reasonable to issue an eviction order and the Tribunal made an order to that effect.

Decision

The Tribunal grants an eviction order against the Respondent in favour of the Applicant in terms of Ground 5 of Schedule 3 of the of the 2016 Act.

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.

Gillian Buchanan

7 May 2026

Legal Member