



**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/25/3983**

**Re: Property at 0/1, 13 Station Road, Dumbarton, G82 1SA (“the Property”)**

**Parties:**

**Mr David Wilson, 6 Little Baldon, Nuneham Courtenay, Oxford, OX44 9PU (“the Applicant”)**

**Ms Helen Watson, 0/1, 13 Station Road, Dumbarton, G82 1SA (“the Respondent”)**

**Tribunal Members:**

**Lauren Rae (Legal Member) and Eileen Shand (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction should be granted against the Respondent in favour of the Applicant.**

**The order is postponed until 1 July 2026.**

**Background**

1. By application dated 15 September 2026, the application sought an order for eviction under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”) under ground 4 of schedule 3 (landlord intends to live in the property).
2. The application was accompanied by:
  - Private Residential Tenancy between the parties commencing 22 September 2022
  - Notice to leave dated 17 June 2025 with an expiry of 14 September 2025

- Section 11 notice dated 22 October 2025
  - A landlord reference
  - A letter from the Applicant explaining his personal circumstances.
  - Applicant's bank statement
  - Witness statement from Applicant;
  - Mortgage statement
3. The application was accepted for determination on 4 December 2025.
  4. A case management discussion ("CMD") was fixed for the 19 May 2025. Both parties were notified of the date and time of the CMD. The application was served on the Respondent by Sheriff Officers on 15 April 2026 and the execution of service is lodged in process.

### **Case Management Discussion**

5. The CMD proceeded on 19 May 2025 via telephone conference. Both the Applicant and Respondent attended.
6. The tribunal explained the purpose of the CMD and the powers available to the tribunal including making an order.
7. The Applicant invited the tribunal to grant an order for eviction. The Applicant's marriage had broken down irretrievably and the Applicant was currently staying with friends. Prior to their separation, the Applicant and his wife lived in Oxford. The Applicant could not afford to rent on his own in Oxford where he said rents were approximately £1400 - £1500 per month. He wished to return to Scotland and live in the Property. The mortgage on the Property would be paid off in full in 2027. He advised that the Respondent had been a good tenant and was only being asked to leave on account of the Applicant's change in personal circumstances.
8. The Respondent confirmed that she had received the notice to leave via recorded delivery post. The Respondent stated she was not opposing the order for eviction but she asked for additional time to find alternative accommodation. The Applicant proposed a postponement of the order until 19 August 2026. The Respondent had engaged with the local authority but had not yet been offered any housing. The Respondent requires a ground floor property due to issues with her ankle. She is waiting for an operation on her ankle and will require to use walking aids and have physiotherapy. The Respondent has dogs in the Property which the local authority are aware of. She cannot afford to rent in the private sector.
9. The Applicant whilst happy to accommodate a postponement of any order, proposed a period of 6-8 weeks.

### **Findings in Fact**

10. The Applicant is the heritable proprietor of the Property registered in the Land Register of Scotland under title number DMB2040
11. The Applicant and Respondent entered into a private residential tenancy agreement which commenced on 22 September 2022.
12. The monthly rent is £425.
13. The Applicant served a notice to leave dated 17 June 2025, which was posted by recorded delivery on 18 June 2025.
14. The Respondent received the notice to leave via post.
15. The Applicant intends to live in the Property for a period of more than 3 months in terms of Ground 4 of Schedule 3 of the 2016 Act.
16. The Applicant's marriage has irretrievably broken down and he intends to leave Oxford and return to Scotland to live in the Property.
17. The Respondent consents to the order for eviction.
18. The Respondent has engaged with the local authority to secure alternative housing.
19. The Respondent is due to have an operation on her ankle and her rehabilitation will require physiotherapy and walking aids.

### **Reasons for Decision**

20. The tribunal took into account the evidence submitted by the Applicant with the application and the oral submissions by both parties. The Respondent, in light of the Applicant's personal circumstances consented to the order for eviction. Notwithstanding that the notice to leave, *prima facie*, appeared not to have been served in accordance with the terms of Clause 4 of the tenancy agreement. The Respondent confirmed that she had received the notice to leave and was aware of its terms.
21. The tribunal finds that ground 4 of schedule 3 of the 2016 Act is made out and of consent, grants an order for eviction.
22. The Respondent has engaged with the local authority to find alternative housing. The tribunal accepted that the submission that she is due to have an operation on her ankle and her rehabilitation will require walking aids and physiotherapy.
23. The tribunal also took into account the Applicant's personal circumstances particularly that the Applicant is currently living with friends following the breakdown of his marriage.

24. The tribunal, considered the overriding objective and in balancing the interests of both parties, postpones the eviction until 1 July 2026

### **Decision**

**The Tribunal grants an order for the eviction of the Respondent from the Property. The order is postponed until 1 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.**

**Lauren Rae**

**Legal Member/Chair**

**Date: 19<sup>th</sup> May 2026**