



**Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for eviction/ possession of a Rented Property in terms of Rule 109 of the Procedure Rules.**

**Chamber Ref: FTS/HPC/EV/25/4600**

**Re: Flat 1/2, 9 Knoxland Square, Dumbarton, G82 1HS ("the Property")**

**Parties:**

**Robert Aitken residing at 21 Braeside Avenue, Bellsmyre, Dumbarton, G82 3HD ("the Applicant")**

**Bannatyne, Kirkwood France & co, Solicitors (The Applicant's Representative')**

**Claire McDade, Flat 1/2, 9 Knoxland Square, Dumbarton, G82 1HS ("the Respondent")**

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

**Tribunal Members: Jacqui Taylor (Legal Member) and Angus Lamont (Ordinary Member)**

## **1. Background**

1.1. The Applicant submitted an application to the Tribunal for eviction/ possession of the Rented Property under section 51(1) of the Private Housing Tenancies (Scotland) Act 2016, in terms of Rule 109 of the Procedure Rules.

1.2 The application was dated 24<sup>th</sup> October 2025. The application stated that the ground for eviction was as follows:

'Ground 11: The Tenant breached a term of the tenancy agreement (not rent).

Ground 14: Anti Social Behaviour

Ground 15: The Tenant or anyone living with the Tenant has caused a nuisance.'

*'The Applicant is the heritable proprietor of the Property and holds the landlord's interest in the tenancy agreement between the parties (the Tenancy Agreement). In terms of Section 50 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Applicant served a Notice to Leave providing notice of their intention to raise an application for possession of the Property. The Notice to Leave is in force at the time of lodging this application. A copy of the Notice to Leave is produced. In terms of the Notice to Leave the Applicant has raised these proceedings for recovery of the Subjects under and in terms of Section 50 of the 2016 Act and Grounds 11, 14 and 15 of Schedule 3 of the 2016 Act.*

*Breach of Tenancy Agreement - Ground 11 of Schedule 3 the 2016 Act.*

*The Applicant by virtue of the Respondent having breached the terms of the Tenancy Agreement seeks an Eviction Order relative to the Subjects by virtue of Section 51 of the 2016 Act and Ground 11 of Part 3 of Schedule 3 of the 2016 Act in that the tenant has failed to comply with an obligation under the tenancy.*

*In terms of Ground 11, Part 3 of Schedule 3 of the 2016 Act, the First-tier Tribunal may find that the ground applies if— (a) the tenant has failed to comply with a term of the tenancy, and (b) the Tribunal considers it to be reasonable to issue an eviction order on account of that fact. In terms of Clause 21 of the Tenancy Agreement the Respondent undertook not to engage in antisocial behaviour or let anyone living with the Respondent or visiting the Respondent engage in anti-social behaviour. In particular, the Respondent and anyone living with her/visiting her were not to:*

- Make excessive noise (including, but not limited to, the use of televisions, CD players, digital media players, radios, musical instruments and DIY and power tools;*
- Fail to control pets properly or allow them to foul or cause damage to other people's property;*
- Allow visitors to the Property to be noisy or disruptive;*
- Vandalise or damage the Property or any part of the common parts or neighbourhood;*
- Leave rubbish either in unauthorized places or at inappropriate times;*
- Allow other people (including children) living in or using the Property to cause a nuisance or annoyance to other people by failing to take reasonable steps to prevent this;*

- Harass any other tenant, member of his/her household, visitors, neighbours, family members of the landlord or employees of the landlord or landlord's agent, or any other person in the house or neighbourhood, for whatever reason;
- Use or carry offensive weapons;
- Use, sell, cultivate or supply unlawful drugs or sell alcohol;
- Store or bring onto the Property premises any type of unlicensed firearm or firearm ammunition including any replica or decommissioned firearms;
- Use the Property or allow it to be used for illegal or immoral purposes; or
- Threaten or assault any other tenant, member of his/her household, visitors, neighbours, family members of the landlord or employees of the landlord or landlord's agent or any other person in the house or neighbourhood, for whatever reason.

*The Respondent has breached Clause 21 of the Tenancy Agreement.*

*The Applicant, through their agents, has received various complaints from other residents within Knoxland Square about the conduct and anti-social behaviour of the Respondent and a male residing with the Respondent at the Property. The complaints from the Property's neighbours are detailed in the Appendix to this paper apart. Evidence tending to show that the Respondent has breached the Tenancy Agreement is produced.*

*Anti-social Behaviour - Ground 14 of Schedule 3 the 2016 Act*

*The Applicant by virtue of the Respondent's relevant anti-social behaviour seeks an Eviction Order relative to the Subjects by virtue of Section 51 of the 2016 Act and Ground 14 of Part 3 of Schedule 3 of the 2016 Act in that the tenant is guilty of repeated relevant anti-social behaviour at the Property including common parts within 12 months of the making of this application.*

*In terms of Ground 14, Part 3 of Schedule 3 of the 2016 Act, the First-tier Tribunal may find that the ground applies if—*

- (a) the tenant has behaved in an anti-social manner in relation to another person,*
- (b) the anti-social behaviour is relevant anti-social behaviour, and*
- (c) either— (i) the application for an eviction order that is before the Tribunal was made within 12 months of the anti-social behaviour occurring, or (ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.*

*For the purposes of determining matters, a person is to be regarded as behaving in an anti-social manner in relation to another person by—*

*(a) doing something which causes or is likely to cause the other person alarm, distress, nuisance or annoyance,*

*(b) pursuing in relation to the other person a course of conduct which—*

*(i) causes or is likely to cause the other person alarm, distress, nuisance or annoyance,*  
*or*

*(ii) amounts to harassment of the other person. In this context:*

- “conduct” includes speech,*
- “course of conduct” means conduct on two or more occasions,*
- “harassment” is to be construed in accordance with section 8 of the Protection from Harassment Act 1997.*

*Anti-social behaviour is relevant anti-social behaviour if the Tribunal is satisfied that it is reasonable to issue an eviction order as a consequence of it, given the nature of the anti-social behaviour and— (a) who it was in relation to, or (b) where it occurred.*

*In a case where two or more persons jointly are the tenant under a tenancy, the reference to the tenant is to any one of those persons.*

*The Respondent has engaged in relevant anti-social behaviour.*

*The Applicant, through their agents, has received various complaints from other residents within Knoxland Square about the conduct and anti-social behaviour of the Respondent.*

*The complaints from the Property’s neighbours and associated reports to the police are detailed in the Appendix to this paper apart.*

*Evidence tending to show the anti-social behaviour by the Respondent is produced. Association with person who has a relevant conviction or who has engaged in relevant anti-social behaviour - Ground 15 of Schedule 3 the 2016 Act.*

*The Applicant by virtue of the Respondent associating with a person who has a relevant conviction or who has engaged in relevant anti-social behaviour seeks an Eviction Order relative to the Subjects by virtue of Section 51 of the 2016 Act and Ground 15 of Part 3 of Schedule 3 of the 2016 Act in that the tenant has associated with a person guilty of repeated relevant anti-social behaviour at the Property including common parts within 12 months of the making of this application.*

*In terms of Ground 15, Part 3 of Schedule 3 of the 2016 Act, the First-tier Tribunal may find that the ground applies if—*

*(a) a person who falls within paragraph 15(4) of Schedule 3 of the 2016 Act— (i) has received a relevant conviction as defined by paragraph 13(3) of Schedule 3 of the 2016 Act, or (ii) has engaged in relevant anti-social behaviour,*

*(b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact, and*

*(c) either— (i) the application for an eviction order that is before the Tribunal was made within 12 months of the conviction or (as the case may be) the occurrence of the antisocial behaviour, or (ii) the Tribunal is satisfied that the landlord has a reasonable excuse for not making the application within that period.*

*In this context, “relevant anti-social behaviour” means behaviour which, if engaged in by the tenant, would entitle the Tribunal to issue an eviction order on the basis that the tenant has engaged in relevant anti-social behaviour.*

*A person falls within paragraph 15(4) of Schedule 3 of the 2016 Act if the person—*

*(a) resides or lodges in the let property,*

*(b) has sub-let the let property (or part of it) from the tenant, or*

*(c) has been admitted to the let property by the tenant on more than one occasion.*

*In a case where two or more persons jointly are the tenant under a tenancy, the reference to the tenant is to any one of those persons.*

*A male resides with the Respondent at the Property and/or is a very regular visitor to the Property. The male’s name is believed to be Allan Hope. Mr Hope has engaged in relevant anti-social behaviour. The Applicant, through their agents, has received various complaints from other residents within Knoxland Square about the conduct and anti-social behaviour of Mr Hope. The complaints from the Property’s neighbours and associated reports to the police are detailed in the Appendix to this paper apart. Evidence tending to show the anti-social behaviour by Mr Hope is produced. The Applicant seeks an Eviction Order relative to the Property. In all these circumstances the Eviction Order sought is reasonable and accordingly should be granted.’*

1.3 Documents lodged with the Tribunal were:-

- Private Residential Tenancy Agreement between the parties dated 10<sup>th</sup> February 2021.

- Notice to Leave dated 2<sup>nd</sup> September 2025 advising the Tenant that an application will not be submitted to the Tribunal for an eviction before 3<sup>rd</sup> October 2025.
- Email from the Applicant's representative to the Respondent dated 2<sup>nd</sup> September 2025 sending them the Notice to Leave.
- Section 11 Notice addressed to West Dunbartonshire Council.
- Email to West Dunbartonshire Council dated 24<sup>th</sup> October 2025 attaching the section 11 Notice.
- A Copy of the Neighbours Log which details over one hundred anti social behaviour incidents at the Property during the period 11<sup>th</sup> August 2025 to 3<sup>rd</sup> October 2025.
- A copy of a six supporting witness statements. Redacted copies had been provided for the Respondent.

2. By Notice of Acceptance by Ruth O'Hare, Convener of the Tribunal, dated 17<sup>th</sup> November 2025 she intimated that she had decided to refer the application (which application paperwork comprises documents received on 24<sup>th</sup> October 2025) to a Tribunal.

### **3. Written Representations**

The Respondent did not provide any written representations.

### **4. Case Management Discussion**

This case called for a conference call Case management Discussion (CMD) at 10.00am on 6<sup>th</sup> May 2026.

The Applicant and Miss Alexandra Wooley, the Applicant's Representative, attended the CMD.

The Respondent did not attend and was not represented.

The Respondent had been served with a letter advising her of the CMD by Ross Price, Sheriff Officer on 20<sup>th</sup> March 2026. The Tribunal were satisfied that the requirements of Tribunal Rule 29 had been complied with and continued with the CMD.

4.1 As a preliminary matter Mrs Taylor clarified the documentation that had been submitted by the Applicant's Representative. Miss Wooley advised that in addition to the original application and the email she had sent to the Tribunal dated 22<sup>nd</sup> April

2026, sending the Tribunal copies of the witness statements, she had also sent the Tribunal a copy of the police reports by email on 19<sup>th</sup> March 2026. The clerk confirmed that the email dated 19<sup>th</sup> March 2026 had been received by the Tribunal but copies of the email and attachments had not been sent to the Tribunal or the Respondent. Miss Wooley confirmed that she was happy to proceed and she did not require an adjournment.

4.2 Miss Wooley advised the Tribunal as follows:

4.2.1 The antisocial behaviour detailed in the application has caused stress and anxiety for the neighbouring proprietors. The Respondent and her partner, Mr Allan Hope have not modified their behaviour.

4.2.2 There are no children in the Property.

4.2.3 Mr Allan Hope spends a lot of time at the Property, even although his home is at a different address.

4.2.4 The Property is a traditional tenement flat. There are six flats in the close at number 9 Knoxland Square. The neighbouring close is number 7 Knoxland Square.

4.2.5 The neighbour log that has been provided was prepared by the two occupants of the adjacent property at number 7 Knoxland Square. The log incorporates information provided by the two occupants of the adjacent property and other neighbours. The adjacent property at number 7 Knoxland Square shares a dividing wall with the Property occupied by the Respondent and Mr Allan Hope. The reference throughout the log to a male and female shouting, arguing and swearing etc is reference to the behaviour of the Respondent and Mr Allan Hope.

4.2.6 The police reports that were sent to the Tribunal on 19<sup>th</sup> March 2026 provide details of thirteen incidents of excessive noise from the Property and Mr Allan Hope behaving aggressively. These incidents occurred between August 2025 and January 2026.

4.2.7 In connection with Ground 11, she explained that the Respondent has not complied with the following paragraphs of clause 21 of the tenancy agreement:

- *The Tenant and her visitors must not make excessive noise including, but not limited to, the use of televisions, CD players, digital media players, radios, musical instruments and DIY and power tools;*

- *The Tenant must not allow visitors to the Property to be noisy or disruptive;*
- *The Tenant must not vandalise or damage the Property or any part of the common parts or neighbourhood;*
- *The Tenant must not leave rubbish either in unauthorized places or at inappropriate times;*
- *The Tenant must not allow other people (including children) living in or using the Property to cause a nuisance or annoyance to other people by failing to take reasonable steps to prevent this;*
- *The Tenant must not harass any other tenant, member of his/her household, visitors, neighbours, family members of the landlord or employees of the landlord or landlord's agent, or any other person in the house or neighbourhood, for whatever reason;*
- *The Tenant must not threaten or assault any other tenant, member of his/her household, visitors, neighbours, family members of the landlord or employees of the landlord or landlord's agent or any other person in the house or neighbourhood, for whatever reason.*

4.2.8 The evidence supporting the fact that the Respondent has breached Grounds 11, 14 and 15 of the tenancy agreement is overlapping. The evidence is set out at length in the neighbour log, the police reports and the witness statements.

4.2.9 Mr Allan Hope is the Respondent's partner and he regularly resides at the Property. She does not know how often he resides there but with reference to the neighbour log she confirmed that he resides there on many occasions each week.

4.2.10 The Respondent and Mr Allan Hope have engaged in relentless anti social behaviour in relation to neighbouring proprietors at numbers 7 and 9 Knoxland Square, Dumbarton. This involves loud shouting, swearing, banging, arguing and drunken conduct. The detail is set out in the neighbours log and the witness statements that have been produced.

4.2.9 She provided the Tribunal with the details of the thirteen police reports. She confirmed that they back up the detail in the neighbours' log.

4.2.10 She explained that the anti social behaviour of the Respondent and Mr Allan Hope has been very alarming and stressful for the neighbouring proprietors at numbers 7 and 9 Knoxland Square, Dumbarton. She referred to the detail in the neighbour's log and the witness statements produced. In particular the fact that specified owners have stated that they are concerned for their safety, the severe

disruption to the previously peaceful atmosphere at 9 Knoxland Square, neighbours experiencing severe disruption to sleep, the fact that one of the neighbours has moved out of his property and is staying with friends and family due to the stress of the situation, the fact that the course work of one of the neighbours has dropped from A grades to F grades due to the stressful situation and the fact that one of the neighbours has had two periods of sickness absence from her work due to stress related to the anti social behaviour.

4.2.11 She emphasised that the behaviour of the Respondent and Mr Allan Hope is intolerable for the neighbours and it is ongoing. They are desperate for the situation to be resolved. One of the neighbours is staying elsewhere, as described in his witness statement. There has been repeated police involvement but the Respondent and Mr Hope have made no attempt to moderate their behaviour. Mr Hope has repeatedly attended the Property in breach of his bail conditions.

4.2.12 If the Tribunal grant the eviction order sought the Local Authority will be obliged to provide her with temporary alternative accommodation. She advised that it was reasonable for the Tribunal to grant the order sought.

4.3 Mr Aitken endorsed Miss Wooley's oral representations. He said that the situation was intolerable for the neighbouring occupants. They are at their wits' end. He had spoken to the student who was residing in one of the neighbouring properties. She has been severely impacted by the behaviour of the Respondent and Mr Allan Hope and was frightened to go out. He emphasised that the situation has been dire for all of the neighbouring proprietors who have had to tolerate the incessant anti social behaviour of the Respondent and Mr Allan Hope and regular complaints to the police and attendance of the police at the Property.

## **5. Direction.**

5.1 Following the hearing the Tribunal issued a Direction to the parties dated 7<sup>th</sup> May 2026 in the following terms:

*'The Tribunal, on its own initiative and for the purpose of making inquiries, give the following Direction to the parties as to the conduct and progress of this Application in terms of Section 16 of Schedule 1 to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017:*

*Considering that the Applicant's Representative sent the Tribunal a copy of the attached police reports by email on 19<sup>th</sup> March 2026 but the Tribunal administration did not send a copy of the reports to the Respondent, the Respondent is directed to*

*provide the Tribunal with any written representations in relation to the police reports by 18<sup>th</sup> May 2026.'*

5.2 The Direction was served on the Respondent by Ross Price, sheriff officer, on 11<sup>th</sup> May 2026.

5.3 The Respondent did not send the Tribunal any written representations in relation to the police reports.

## **6. Decision**

### **6.1 Requirements of Section 109 of the Procedure Rules.**

**6.1.1** The Tribunal confirmed that the application correctly detailed the requirements of section 109(a) of the Procedure Rules namely:-

(i) the name, address and registration number of the Landlord.

(ii) the name and address of the Landlord's representative.

(iii) the name and address of the Tenant.

(iv) the grounds of eviction. The Tribunal accepted the grounds detailed in the application are Grounds 11, 14 and 15 of Schedule 3 of the 2016 Act.

**6.1.2** The Tribunal confirmed that the application complied with the requirements of Section 109(b) of the Procedure Rules:

(i) evidence showing that the eviction ground or grounds had been met.

The Tribunal accepted the neighbour log, witness statements, the police reports provided by Miss Wooley provided evidence to substantiate the grounds of eviction.

(ii) a copy of the notice to leave given to the Tenant as required by section 52(3) of the 2016 Act.

The Tribunal confirmed that the Notice to Leave was in correct form as set out in Schedule 5 of the Private Residential Tenancies Notices and Forms (Scotland) Regulations 2017.

The Notice to Leave was dated 2<sup>nd</sup> September 2025 and advised the Tenant that the Applicant intends to apply to the Tribunal for an eviction order in respect of the property on the basis of Grounds 11, 14 and 15

It also advised that an application would not be submitted to the Tribunal for an eviction order before 3<sup>rd</sup> October 2025.

The Tenancy commenced on 10<sup>th</sup> February 2021. As at 2<sup>nd</sup> September 2025 (the date of the Notice to Leave) the Tenant had resided in the property for more than six months.

The application for eviction was based on Grounds 11, 14 and 15 of Schedule 1 of the 2016 Act and therefore twenty eight days notice was required.

The Landlord served the Notice to Leave on the Tenant on 2<sup>nd</sup> September 2025 by email and correctly gave the Tenant a minimum of twenty eight days notice.

(iii) a copy of the notice given to the local authority as required by Section 56(1) of the 2016 Act.

The Tribunal confirmed that a copy of the required notice had been provided.

**6.1.3** The Tribunal confirmed that the application form had been correctly signed and dated by the Applicant's representative as required by Section 109(c) of the Procedure Rules.

6.2 The Tribunal determined that no hearing was required as the evidence of the detail of the neighbour's log book, the five witness statements produced, the Applicant's oral representations and the Applicant's Representative's oral summary of the police reports, when considered together, provide sufficient evidence of anti social behaviour in the form of loud shouting, arguing and swearing at various times of the night and day by the Respondent and Allan Hope at the dates and times detailed therein that has adversely affected the neighbouring proprietors of the flats at 7 and 9 Knoxland Square, Dumbarton who provided the Tribunal with witness statements.

6.3 The Respondent had been sent a redacted copy of the witness statements and a complete copy of the case file which included the neighbour's log book. She did not lodge any written representations with the Tribunal and did not attend the CMD.

6.4 The Tribunal accepted the evidence of the Applicant and the Applicant's Representative's oral description of the police reports of disturbances at the Property between 26<sup>th</sup> August 2025 and 25<sup>th</sup> January 2026.

6.5 The Tribunal accepted the evidence of the neighbours detailed in the neighbours' log and the written statements submitted to the Tribunal. Due to the sensitivity of the

matters contained therein, the neighbours, details have not been disclosed in this decision.

**6.6 The Tribunal made the following findings in fact:**

6.6.1 The Respondent is Tenant of the Property in terms of the lease between the parties.

6.6.2. The lease is a Private Residential Tenancy in terms of the Private Housing Tenancies (Scotland) Act 2016 ('The 2016 Act').

6.6.3. The Applicant is Landlord of the Property in terms of the lease between the parties.

6.6.4 The Applicant is heritable proprietor of the Property in terms of title sheet DMB882.

6.6.5 The Notice to Leave was dated 2<sup>nd</sup> September 2025 and it was emailed to the Respondent on the same day.

6.6.6 Clause 4 of the lease states that the Landlord and the Tenant agrees that all communications under the Act, including Notices, will be made in writing using the email address set out in the lease.

6.6.7 Mr Allan Hope, the Respondents partner, regularly resides at the Property.

6.6.8 The Respondent and Mr Allan Hope have between 11<sup>th</sup> August 2025 and 3<sup>rd</sup> October 2025 caused alarm, distress and annoyance to the resident of Flat 1/1, 7 Knoxland Square, Dumbarton by loud shouting, arguing and swearing at various times of the night and day as detailed in the neighbours' log lodged by the Applicant's Representative.

**6.7 In relation to the requirements of Ground 11 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal found as follows:**

The Tribunal finds that the Applicant has provided sufficient evidence (as explained in paragraphs 6.2, 6.3, 6.4, 6.5 and 6.6 of this decision) that the Respondent has failed to comply with the following paragraphs of the lease Respondent had failed to comply with the following paragraphs of clause 21 of the tenancy agreement:

- *The Tenant and her visitors must not make excessive noise including, but not limited to, the use of televisions, CD players, digital media players, radios, musical instruments and DIY and power tools;*

- *The Tenant must not allow visitors to the Property to be noisy or disruptive;*
- *The Tenant must not allow other people (including children) living in or using the Property to cause a nuisance or annoyance to other people by failing to take reasonable steps to prevent this;*

**6.8 In relation to the requirements of Ground 14 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal found as follows:**

The Tribunal finds has provided sufficient evidence (as explained in paragraphs 6.2, 6.3, 6.4, 6.5 and 6.6 of this decision) that the Respondent has behaved in an anti social manner towards the neighbouring proprietors of the flats at 7 and 9 Knoxland Square, Dumbarton who provided the Tribunal with witness statements by loud shouting, arguing and swearing at various times of the night and day at the dates and times detailed in the neighbour's log book and the five witness statements produced. In particular, the Respondent has between 11<sup>th</sup> August 2025 and 3<sup>rd</sup> October 2025 caused alarm, distress and annoyance to the resident of Flat 1/1, 7 Knoxland Square, Dumbarton by loud shouting, arguing and swearing at various times of the night and day as detailed in the neighbours' log lodged by the Applicant's Representative.

**6.9 In relation to the requirements of Ground 15 of the Private Housing (Tenancies) (Scotland) Act 2016 the Tribunal found as follows:**

The Tribunal finds that the Applicant has provided sufficient evidence (as explained in paragraphs 6.2, 6.3, 6.4, 6.5 and 6.6 of this decision) that the Respondent associates with Allan Hope in the Property and that Allan Hope has behaved in an anti social manner towards the neighbouring proprietors of the flats at 7 and 9 Knoxland Square, Dumbarton who provided the Tribunal with witness statements by loud shouting, arguing and swearing at various times of the night and day at the dates and times detailed in the neighbour's log book and the five witness statements produced. In particular, Allan Hope has between 11<sup>th</sup> August 2025 and 3<sup>rd</sup> October 2025 caused alarm, distress and annoyance to the resident of Flat 1/1, 7 Knoxland Square, Dumbarton by loud shouting, arguing and swearing at various times of the night and day as detailed in the neighbours' log lodged by the Applicant's Representative.

6.10 The Tribunal considered if it was reasonable to grant the eviction order. They were mindful of the decision of Lord Greene in the case of *Cummings v Dawson* (1942) 2 All ER 653 on matters to consider when determining reasonableness:

*'In considering reasonableness... it is my opinion, perfectly clear that the duty of the judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad, common sense way as a man of the world, and to come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or more weight, others may be decisive.'*

6.11 The Tribunal found that it was reasonable for the eviction order to be granted given the ongoing incessant anti social behaviour of the Respondent and Allan Hope and the stress, alarm and distress it has caused the neighbouring proprietors of the flats at 7 and 9 Knoxland Square, Dumbarton who provided the Tribunal with witness statements and the fact that the Respondent does not oppose the application.

6.12 Accordingly, the Tribunal found in law that the grounds 11, 14 and 15 of Schedule 3 of the 2016 Act were met.

6.13 The Tribunal granted the eviction.

## **7. 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.**

**Jacqui Taylor**

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**Legal Member**

**20<sup>th</sup> May 2026**