



**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/25/4854**

**Re: Property at 48 Cairnhill View, Bearsden, G61 1RP (“the Property”)**

**Parties:**

**Mr Stephen Connolly, Mr Michael Connolly, Professor Thomas Connolly, 1 Balmoral Drive, Bearsden, G61 1DH; Flat 3/1, 36 Strathblane Gardens, Glasgow, G13 1BF; 1 Balmoral Drive, Bearsden, G61 1DH (“the Applicant”)**

**Dr George Lawson, 48 Cairnhill View, Bearsden, G61 1RP (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.**

**Background**

1. On 10<sup>th</sup> November 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 4 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
  - i. Copy Private Residential Tenancy Agreement showing a commencement date of 3<sup>rd</sup> June 2022;
  - ii. Copy Notice to Leave dated 15<sup>th</sup> August 2025;
  - iii. Copy email dated 15<sup>th</sup> August 2025 to the Respondent serving the Notice to Leave;
  - iv. Section 11 Notice and proof of service;

- v. Affidavit by the Applicant, Stephen Connelly, dated 15<sup>th</sup> August 2025 stating his intention to live in the let property for three months or more.
3. The Application was served on the Respondent by Sheriff Officers on 27<sup>th</sup> April 2026.
4. On 19<sup>th</sup> May 2026 the Respondent sent an email to the Tribunal seeking a postponement of the Case Management Discussion. He said that he is currently in Nigeria on family matters and will not return until the second week of August when he will be back in Scotland. He said that he had contacted the local authority about alternative housing. He also said that the Nigerian phone network cannot connect to the Tribunal system.
5. On 20<sup>th</sup> May 2026 the Applicant's representative sent an email to the Tribunal opposing the postponement request.
6. On 22<sup>nd</sup> May 2026, in response to the Applicant's email and to information requested by the Tribunal the Respondent sent a further submission. He said that he left the UK for Nigeria on 6<sup>th</sup> May 2026. He asked that the Case Management Discussion take place by video link. He also said that, in the event that it could not, he did not oppose the application and did not want to delay matters unnecessarily. His submission read as follows:

*The Respondent's request was made solely due to current health, housing and practical circumstances and in order to allow reasonable time to engage with the local authority homelessness process and arrangements for alternative accommodation. The Respondent notes the statement that he has been "working at his wife's law firm in Lagos Nigeria." The Respondent respectfully clarifies that this is not an accurate description of his circumstances. The Respondent's visits to Nigeria have primarily related to family matters, medical recovery, and efforts to explore possible longer-term accommodation arrangements in light of his present financial and housing difficulties. The Respondent has significant family ties in Nigeria through his wife and daughter. However, the Respondent does not presently have settled accommodation available to him there or within the United Kingdom, and the property referred to in earlier correspondence is not yet available for occupation. The Respondent has experienced significant health difficulties during the past year, including cardiac treatment and ongoing mental health difficulties, which have materially affected his circumstances and ability to manage relocation and housing matters. The Respondent remains willing to cooperate fully with both the Tribunal and the Applicant in order to facilitate an orderly transition and does not seek to contest the Applicant's entitlement to recover possession of the property.*

*Signed, George Lawson Date:  
22 May 2026*

## **Case Management Discussion**

7. The Case Management Discussion (“CMD”) took place by teleconference. It was too late to convert the CMD to a videoconference. The Applicant was represented by Ms Tran. There was no attendance by the Respondent or any representative on his behalf.
8. The Tribunal was satisfied, given the contents of the Respondent’s Written Submission, that it could proceed with the CMD in his absence.
9. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
10. Ms Tran sought an order for eviction in terms of Ground 4 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that the property is owned by her husband, Professor Thomas Connolly, and her sons, Michael and Stephen. Stephen is now 26, working, and wishes to live in the property as his permanent home. She confirmed, in terms of the wording of the ground, that he intends to occupy it as his principal home for at least three months.
11. The Tribunal was satisfied that the ground had been established and asked some questions in relation to reasonableness. Ms Tran said that the Respondent had been a GP in Coatbridge but was no longer on the GP Register. She said that according to his LinkedIn profile he is working in various roles with his wife’s law firm in Nigeria. To the best of her knowledge, he does not have any dependents living with him in the property. There are no rent arrears.
12. Ms Tran said that Stephen Connolly continues to live in the family home but wishes to move out and live on his own. He is 26, in employment, but his life is really on hold at the moment.

## **Findings in Fact**

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 3<sup>rd</sup> June 2022;
- b. A Notice To Leave, dated 15<sup>th</sup> August 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Application was served on the Respondent by Sheriff Officer on 27<sup>th</sup> April 2026;
- e. The property is owned jointly by Professor Thomas Connolly, Stephen Connolly and Michael Connolly;
- f. Stephen Connolly intends to occupy the property as his only or principal home for at least three months;
- g. The Respondent left the country on 6<sup>th</sup> May 2026 and intends to return at the beginning of August 2026;
- h. The Respondent is not opposed to the order being granted;
- i. The Respondent does not have any dependents living in the property with him.

## Reasons for Decision

13. Ground 4 of Schedule 3 of the Act states as follows:

*(1) It is an eviction ground that the landlord 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) the landlord intends to occupy the let property as the landlord'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) References to the landlord in this paragraph—*

*(a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,*

*(b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.*

*(4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.*

14. The Tribunal is satisfied that one of the landlords intends to occupy the property as his only or principal home for at least three months.

15. The Tribunal notes that the Respondent is not opposed to the order being granted and it is therefore reasonable to grant the eviction order.

16. The Tribunal has decided to suspend the eviction order so that it cannot be implemented prior to 31st August 2026. It is unfortunate and unsatisfactory that the Respondent left the country after receiving service of the Tribunal papers and did not contact the Tribunal seeking a postponement until some weeks later. However, the Respondent will need time to contact the local authority on receipt of this Decision and will need to organise removal of his belongings from the property. As there are no rent arrears, and Stephen

Connolly is not threatened with homelessness, it is reasonable to suspend the order for the stated period.

### **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.**

**A.Kelly**

Legal Member/Chair

27<sup>th</sup> May 2026

Date