



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 and Rule 17 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017

Chamber Ref: FTS/HPC/EV/25/5253

Re: Property at 20 Glen Mark Road, Neilston, Glasgow, G78 3QU (“the Property”)

Parties:

Ms Janice Todd, 2 Libo Avenue, Uplawmoor, G78 4AL (“the Applicant”)

Mr Nicholas Daniel Cameron, 20 Glen Mark Road, Neilston, Glasgow, G78 3QU (“the Respondent”)

Tribunal Members:

Hilary Macandrew (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an Eviction Order be granted. The Tribunal determined that it was reasonable to suspend enforcement of the Order until 31 July 2026.

1) Background

- 1.1 By Application dated 26 August 2025 the Applicant seeks an order for eviction relying on Ground 4 (the Applicant wishes to occupy the property) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 5 December 2025.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 7 May 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private residential tenancy agreement
- Notice to Leave
- Section 11 Notice to Local Authority
- Rent statement
- Updated Rent Statement
- Pre Action Requirement correspondence
- Written statement by the Applicant in relation to her personal circumstances

2) The Case Management Discussion

2.1 The CMD took place by tele conference on 12 June 2026 at 2pm. The Applicant was represented by Mr Carswell of JLC Property Lettings. The Respondent was personally present.

2.2 Mr Carswell confirmed that the property is 20 Glen Mark Road, Neilston, Glasgow, G78 3QU

2.3 The parties entered into a Private Residential Tenancy Agreement which was signed on 18 April 2024 and which commenced on 25 April 2024 at a monthly rent of £775.

2.4 Mr Carswell was able to talk about the personal circumstances of the Applicant which were that she had been married but the marriage had broken down and she was homeless. She has been homeless since December 2025 and has been staying with friends.

2.5 The Respondent explained his circumstances which were that he had spoken to the local authority about alternative housing. His name was on the local authority housing list and he was told that he would be given priority once he had an Eviction Order. He explained that he has three children, two of whom stay with him full time and one who stays with him every second weekend. The children are all under sixteen. One of the children has a disability which is the reason why his application for housing from the local authority will be given high priority. He did not dispute that he would remove from the property due to the circumstances of the Applicant. He asked the Tribunal for additional time which he suggested would be around four weeks to enable him to secure alternative accommodation and make arrangements to move. Mr Carswell was asked by the Tribunal if he had an objection to the Respondent's request for additional time to remove. Mr Carswell indicated that he did not have any issue with some time being granted in accordance with that sought by the Respondent.

- 2.6 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 CMB 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.

3) Findings in Fact and Law

- 3.1 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement in respect of the property which commenced on 25 April 2024.
- 3.2 The monthly rent due under the Private Residential Tenancy is £775 per month.
- 3.3 The Applicant complied with the pre-action requirements.
- 3.4 Ground 4 in Schedule 3 of the 2016 Act has been established.
- 3.5 It is reasonable to grant an order for eviction, suspended until 31st July 2026.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not to grant the order sought.
- 4.2 The ground on which the Application proceeds is ground 4 which states:
- 4(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...
- 4.3 The Tribunal was satisfied that the ground had been met
- 4.4 Therefore, the statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the order.

5) Decision and Reasons for Decision

- 5.1 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah* 1943 SC 245 whereby the Tribunal was under a duty

to consider the whole facts and circumstances in which the Application was made.

- 5.2 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the change of the Applicant's personal circumstances in that it was homeless due to a marital breakdown. The Respondent did not oppose the basis of the Ground.
- 5.3 In relation to the Respondent's request to vary the date of execution to allow a further period of 4 weeks for him to find alternative accommodation, the Tribunal determined that a period up to 31st July 2026 was reasonable. The Tribunal gave weight to the Respondent's household personal circumstances and the fact that he had been active in his search for alternative accommodation. He is to be given priority from the local authority. The Tribunal gave weight to the fact that the Respondent was not defending the action
- 5.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction. The Tribunal determined that it was reasonable to suspend enforcement of the order until 31 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.

H.Macandrew

Legal Member/Chair

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12 June 2026

Date