



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 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/25/4915

Re: Property at 53 Armour Court, High Blantyre, Glasgow, G72 9TS (“the Property”)

Parties:

Mrs Helene Midwinter, Mr George Midwinter, 33 Byretown Grove, Kirkfieldbank, Lanark, ML11 9NY (“the Applicant”)

Mrs Natalie Findlay, 53 Armour Court, High Blantyre, Glasgow, G72 9TS (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 14 November 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Grounds 5 and 11 of Schedule 3 to the 2016 Act (landlord’s family member intends to live in the property; breach of tenancy agreement). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave/proof of service of same, the notification to the local authority in terms of Section 11 of the Homelessness (Scotland) Act 2003/proof of service of same and evidence in support of eviction grounds 5 and 11.

2. Following initial procedure and submission of further documentation by the Applicant, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations on 26 January 2026.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 3 June 2026 was served on the Respondent by way of Sheriff Officer. In terms of said notification, the Respondent was invited to lodge written representations. No written representations were lodged directly by the Respondent prior to the CMD, although some communications from the Respondent had been submitted as part of their supporting documentation by the Applicant.

Case Management Discussion

4. The CMD took place by telephone conference call on 3 June 2026 at 2pm and was attended by both Applicants, Mr and Mrs Midwinter and by the Respondent, Mrs Findlay.
5. Following introductions and introductory remarks by the Legal Member, there was initially discussion regarding the Respondent's position with regard to the eviction. She confirmed that she was not contesting the eviction but wished to apply for an extension in respect of the eviction date, in order to give the local authority more time to identify suitable alternative accommodation for her. Mrs Findlay stated that she had no issue with the ground concerning the Applicant's son wishing to reside in the Property. She also admitted that she had a dog and had not known that the Applicant's permission was required as she had not properly scrutinised the terms of the tenancy agreement. Mrs Findlay explained that she has four children, including her son, who had been mentioned in the Tribunal paperwork, who has autism and a chromosome disorder which causes issues with his weight. Although she is currently managing in the Property with her son, the future is uncertain, and she requires to move into more suitable accommodation sooner rather than later. The local authority have told her that they will be accommodated but she hopes to avoid having to go into temporary accommodation as that is unlikely to be suitable for the family's needs. They require a four bedroom property which can accommodate her son's sensory equipment for his autism and also safety measures and equipment in respect of his other needs. This is the reason for her request for an extension. Ideally, she will not require to move out until after the school summer holiday period which should give more time for permanent alternative housing to be identified by the local authority.
6. Mrs Midwinter confirmed that they completely understand the Respondent's position and do not want her to be put into a difficult situation. They are accordingly agreeable to an extension. However, their son, who requires to live in the Property, is due to start college after the summer and ideally, he will be able to move into the Property prior to this, as it will reduce his travelling time

to and from college to twenty minutes. He is 23 and currently lives with the Applicant, an hour's commute away from the college.

7. Following some further discussion, it was agreed that 15 August 2026 was the date that suited both parties' needs.
8. The Tribunal Members adjourned briefly to discuss the application and, on re-convening, advised parties that the eviction order would be granted on Ground 5 only as the Tribunal was not satisfied regarding the reasonableness of granting under Ground 11, in the circumstances presented to it. It was confirmed that the order would be granted, subject to an extension of the usual timeframe for eviction. The earliest date for eviction to be specified in the eviction order would therefore be 15 August 2026, as agreed. Mrs Findlay was urged to provide the local authority with a copy of the Tribunal Decision, which would be issued shortly, as soon as possible, in order that her housing application could be progressed. It was also explained to Mrs Findlay that if she was in a position to vacate earlier, she could do so and should contact the Applicant to coordinate that. Parties were thanked for their attendance and participation in the CMD.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 26 January 2025.
3. It is intended that the Applicant's son will live in the Property as their only or principal home for at least 3 months.
4. The Respondent has a dog in the Property for which she did not seek the Applicant's permission, contrary to the terms of the tenancy agreement.
5. A Notice to Leave in proper form and giving the requisite period of notice was served on the Respondent personally by the Applicant on 14 August 2025.
6. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 7 November 2025.
7. The Tribunal Application was submitted on 14 November 2025.
8. The Respondent remains in possession.
9. The Applicant's son currently lives with the Applicant but is 23 years old and wishes to move into the Property, which is closer to the college he is due to commence at during August 2026.

10. The Respondent is not contesting the application, but sought an extension of the eviction date, to allow suitable alternative accommodation to be found for she and her family.
11. The Respondent has four children residing with her, one of whom has a medical condition and additional support needs.
12. The Respondent requires a four-bedroom property, suitable for the needs of her family and which can be adapted for her son's needs.
13. The Respondent has already made an application for housing to the local authority but has not yet secured suitable alternative accommodation.
14. The Applicant did not oppose the extension sought by the Respondent.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation lodged with the application and subsequently, together with the oral information provided at the CMD by both the Applicant and Respondent.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the relevant provisions of the 2016 Act.
3. The Tribunal considered that the ground of eviction, that a member of the landlord's family intends to live in the Property (Ground 5) was satisfied in that all elements of the grounds were met and that it was also reasonable, having regard to all the circumstances, to grant the eviction order sought on that ground. The Tribunal had noted the supporting documentation lodged with the application in this respect, namely a letter from the Applicant's son and the supplementary information provided by the Applicant at the CMD regarding their son's circumstances and why he wished to reside in the Property. The Respondent took no issue with any of the information produced and did not contest the eviction. The Tribunal noted the Respondent's family circumstances, including the needs of her son, as outlined above. It was noted that the Respondent wished to obtain local authority accommodation, more suitable to the needs of her family and had already applied for local authority housing. In all of these circumstances, the Tribunal considered it reasonable to grant the eviction order sought under Ground 5, but subject to an agreed extension of the usual timeframe for eviction. This would allow the Respondent more time to progress her social housing application and hopefully avoid having to move into temporary accommodation which may not meet the needs of her family. The earliest eviction date to be specified in the order would accordingly be **15 August 2026** which was agreed by both parties as suitable to them.

4. Although the Tribunal noted that there had been a technical breach of the tenancy terms by the Respondent, in that she had a dog living at the Property, without the Applicant's permission and admitted this, the Tribunal was not satisfied that the reasonableness test was met in respect of Ground 11. The Tribunal accordingly declined to make an eviction order under Ground 11, in the circumstances of this case.
5. The Tribunal did not have any material before it to contradict the Applicant's position. The Tribunal accordingly determined that the order for eviction could properly be granted at the CMD as there were no facts in dispute, nor any other requirement, for an Evidential Hearing in the circumstances.
6. The Tribunal's decision was unanimous.

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.

Nicola Weir

Legal Member/Chair

3 June 2026
Date