



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/25/5214

Re: Property at 94 Arden Court, Hamilton, ML3 6TX (“the Property”)

Parties:

Mrs Sarah Jarvie, 20 Valleyfield Crescent, Hamilton, ML3 7FL (“the Applicant”)

Miss Fiona Leonard, Mr Sukhbeer Ghumman, 94 Arden Court, Hamilton, ML3 6TX (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

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

Background

1. An application was received by the Housing and Property Chamber dated 3rd December 2025. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 22nd May 2022, all parties were written to with the date for the Case Management Discussion (“CMD”) of 24th June 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 12th June 2026.
3. On 26th May 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 26th May 2026.

The Case Management Discussion

4. A CMD was held on 24th June 2026 at 2pm by teleconferencing. The Applicant was present and represented herself. The Respondents were not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make any representations in advance of the CMD.
5. The Applicant said that she is now divorced from her husband. The Applicant currently lives in the marital home. She now needs to leave this home and return to this property as her husband is to move into the marital home or it will be sold. He is currently living in another rental property but cannot afford this any longer. Both the marital home and this property are mortgaged. The mortgage on this property is £270 per month. It is more financially prudent for her to return to this property and her ex husband to the marital home.
6. The Applicant said that it is a two bedroomed property with a loft conversion. The Applicant is going to live in the Property with her 16 year old daughter and 13 year old son. The Property will adequately house them.
7. There are no significant tenancy issues. The Respondents will not pay on the date due but will ensure that the rent is paid by the end of the month.
8. The Applicant said that she has always emailed the Respondents as one. Ms Leonard will deal with the administration of the tenancy while Mr Ghumman the payments. She said that she has always known Mr Ghumman as Sunny.
9. The Applicant does not know if the Respondents have contacted the local authority to be rehoused. She did send on the section 11 notice to the local authority.

Findings and reason for decision

10. A Private Rented Tenancy Agreement commenced 1st April 2022. Prior to that parties had been in a Short Assured Tenancy Agreement since 2006. The lease had changed due to the Applicant requiring to remortgage and the mortgage lender requiring a new lease.
11. There are no significant tenancy issues.
12. The Applicant now wishes to live in the Property. The Applicant has now divorced her husband. She is currently in the marital home with her two children. She requires to sell the marital home or for her ex husband to live in it. She needs somewhere to live with her children. Ground 4 has been established. This is the only property that she rents out. Both this and the marital home are subject to a mortgage.
13. The Respondents have no known vulnerabilities or disabilities. It is believed that the Respondents are working. They live in the Property with their three children.

14. There are no issues of reasonableness that prevented an order from being granted.

Decision

15. The Tribunal found that ground 4 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

24th June 2026

Legal Member/Chair

Date