



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/25/5420

Re: Property at 43 Myrtle Square, Bishopbriggs, Glasgow, G64 1LY (“the Property”)

Parties:

Mrs Fiona Gilmour, 3 Beauly Place, Bishopbriggs, Glasgow, G64 1XR (“the Applicant”)

Ms Sara Murray, 43 Myrtle Square, Bishopbriggs, Glasgow, G64 1LY (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

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

Background

1. By application dated 16 December 2025 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 15 January 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
2. A Case Management Discussion (CMD) was set to take place on 10 June 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 10 June 2026 via telephone case conference. The applicant attended with her representative, Tracey O'Haire from Nixon lettings. The Respondent attended. She was accompanied by her sister, Mrs Grimshaw. As the Respondent is deaf in both ears Mrs Grimshaw spoke on her behalf. Prior to the Case Management Discussion, the Tribunal asked if there were any arrangements which could be made to assist the Respondent to participate in the hearing. The Respondent confirmed she was content for her sister to support her.
4. The Tribunal heard from the Applicant and the Respondent.
5. The Applicant is the heritable proprietor of the property. It is a three-bedroom terrace house with a loft conversion. Five years ago, she moved, with her four children, to her mother's home to care for her. The Applicant's mother died in March 2023. By virtue of a liferent granted in favour of her and her children the Applicant continued to reside in her mother's house, a large 5-bedroom bungalow. She is responsible for the bills associated with that house. The Applicant explained that she wished to renounce the liferent and return to live in the property with three of her four children. She has been advised not to renounce the liferent until the outcome of this application is known. The Applicant explained that the bills are significant for her mother's property given its size. It attracts one of the higher council tax bands. The property is smaller and the bills are cheaper. Although she is working full time, she finds the current outgoings difficult to manage. Her sister is keen to realise her share in her mother's estate. If the Applicant and her children renounce the liferent the house can be sold and the proceeds shared between the Applicant and her sister, giving them each their inheritance. Her share will be used to meet some of the mortgage on the property. Two of her children have ADHD and autism and she has spent time preparing them for a move back to the property which was their original family home.
6. The Respondent understood that the application was necessary as she could not simply agree to leave the property when the notice was served because she would then have been regarded as intentionally homeless. She had taken advice from Citizens Advice Bureau and the Council. She had been advised by the Council that if evicted she would be placed in temporary accommodation and that was unlikely to be in the local area. The Respondent has two children aged 8 and 14 years.
7. In the event that the order is granted the Applicant requested that implementation be postponed for a period of 60 days to allow the Applicant to pack during the school holidays and prepare her children for the move. Currently her youngest child is unaware of this application. The children are well settled in local schools.

Findings in Fact

8. The Applicant is the registered owner of the property.
9. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 28 March 2021.
10. On 11 September 2025 the applicants served upon the respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.
11. A notice was served on East Dunbartonshire Council by the Applicant under section 11 of the Homelessness etc (Scotland) Act 2003.
12. The Applicant intends to live in the property as her only or principal home.

Reasons for Decision

13. The Tribunal noted that the eviction was sought under and in terms of ground 4 of schedule 3 of the Act.
14. That ground is in the following terms:

“4. Landlord intends to live property

(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 the 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 three months,
 - (b) The Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.”
15. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 4.
16. The Tribunal is satisfied that the Applicants intends to live in the property as her only or principal home for at least three months. The Tribunal accepts the evidence of the applicants on that matter.
17. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
18. The Tribunal find that it is reasonable to grant the order.
19. The Applicant currently has a legal right to live in her mother’s property with her children. However, it is a large property which the Applicant is finding

unaffordable to run. If she agrees to renounce the liferent (and her children also agree) the property can be sold which would allow both the Applicant and her sister to receive the net sale proceeds as their inheritance from their mother's estate. This in turn will allow the applicant to substantially reduce the mortgage on the property and along with the reduced bills makes living in the property (which was her family home prior to moving to care for her mother) more affordable. She has three children still living with her, two of whom are still in school.

20. The respondent also has children in local schools. Any eviction order will mean that the Respondent will require to find alternative accommodation which is challenging in her current location. It is clear however that the Council will assist in providing accommodation for the respondent and her children but only where the order for eviction is granted.
21. No fault attaches to the Respondent in the circumstances which have arisen. However, the property is the Applicant's family home and for clear reasons she wishes to return to it with her family.
22. In all the circumstances it is reasonable to grant the order.
23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.
24. At the request of the Respondent the Tribunal consider that it is reasonable to delay the date on which the order for eviction may take effect. This will give time for the Respondent to prepare her children for the move and make necessary arrangements. Given the Applicant has not yet renounced the liferent there is no prejudice to her in such a delay. The order for eviction will not come into effect for a period of 60 days.

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.

Julie McKinlay

10/06/26

Legal Member/Chair

Date