

Housing and Property Chamber
First-tier Tribunal for Scotland



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”)

Chamber Ref: FTS/HPC/EV/25/4215

Re: Property at 29 East King Street, Helensburgh, G84 7QQ (“the Property”)

Parties:

Mr Gordon Reid, Mrs Sandra Reid, B2 Rosneath Castle Caravan Park, Rosneath, G84 0QS (“the Applicants”)

Miss Monica Shields, 29 East King Street, Helensburgh, G84 7QQ (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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

Background

1. By application dated 1st October 2025 the Applicants sought an order under section 51 of the 2016 Act and in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”). On 30th October 2025 the application was accepted by the Tribunal and referred for determination.
2. A Case Management Discussion (CMD) took place on 20th March 2026 *via* telephone conference call. The Applicants were represented by Mrs McQueen, BTO Solicitors. The Respondent participated and was represented by Mrs Richardson.

3. The Tribunal determined that a Hearing was required in order to determine whether it is reasonable or not to grant the eviction given the Respondent was fundamentally opposed to eviction being granted.
4. A Hearing was fixed for 24 July 2026 and appropriate intimation of that CMD was given to all parties.

The Hearing

5. The Hearing took place on 24 July 2026 *via* video conference. The Applicants were represented by Mrs McQueen, BTO Solicitors. The Respondent participated and was represented by Mrs Richardson, Housing Officer for Helensburgh and Lomond.
6. The Tribunal explained the purpose of the Hearing and the powers available to the Tribunal to determine matters.
7. The Applicants had three witnesses, namely Mr Reid, Mrs Reid and Mrs Victoria Wassel of the Property Bureau. The Respondent had one witness, namely the Respondent. The Tribunal asked questions of the witnesses and representatives in relation to the application.
8. The Applicants confirmed their wish for an Order to be made.
9. The Respondent confirmed her opposition to any Order being granted.
10. The Applicants own the Property.
11. The Applicants and Respondent are respectively the landlord and tenant who entered into a Private Residential Tenancy Agreement (PRT) in terms of the 2016 Act for the Property, commencing on 2 February 2025.
12. The agreed monthly rental was £675 per month. The Applicants sought to increase the monthly rent to £995 from April 2026, however, decided to postpone this increase due to ongoing proceedings in the Tribunal.

Witness evidence of Mrs Wassel

13. An Affidavit was lodged on behalf of Mrs Wassel in advance. A motion was sought for the Affidavit to be treated as her evidence in chief which was not opposed. Mrs Wassel adopted her Affidavit lodged in advance.
14. Mrs Wassel was involved in the sale of the Property to the Applicants. She had also assisted in the original tenancy agreement between the Respondent and previous owner from 2019.

15. Mrs Wassel recalled what the Applicants had advised prior to purchasing the Property and this was that they intended to keep the Respondent in the Property until such times as they needed to live in the property themselves. Mrs Wassel recalled speaking with the Applicants in early 2025 surrounding a change in circumstances which meant the Applicants required to seek possession of the Property.
16. Mrs Wassel gave evidence that she had worked in the property market in Helensburgh for over 20 years and, in her opinion, a fair market rent for the Property would be between £900 and £1,000. In her experience, the Respondent was paying below fair market rent.
17. Mrs Wassel gave evidence that she assisted the Applicants in the eviction process in 2025 by advising the Respondent that the Applicants required to take possession of the Property and start the eviction process.

Witness Evidence of Sandra Reid

18. Mrs Reid gave evidence that the Applicants sold their home in Fife in 2023 and have had a Caravan at Rosneath Castle Caravan Park since October 2020.
19. Mrs Reid gave evidence that in 2021 her daughter was diagnosed with cancer, so she decided to move into her daughter's property in Helensburgh to support her daughter and 1 year old granddaughter, whilst she was undergoing treatment and major surgery. She gave evidence that she would sleep on the couch when living with her daughter. She gave evidence that her daughter's condition was improving by May 2024. This allowed her and Mr Reid to stay together a few times per week at their caravan together. In November 2024, Mr Reid was employed at the local leisure centre in Helensburgh. He moved into the caravan at this time whilst continuing to support his parents in Fife. The distance between the caravan and her daughter's property is approximately 33 miles. She gave evidence that her and her husband have to commute to and from Helensburgh every day for work or supporting her daughter.
20. Mrs Reid gave evidence that she was involved in two car accidents in 2025 due to poor health. She was fitted with a pacemaker after these accidents. Mrs Reid also gave evidence of underlying health conditions which make everyday life challenging. She gave evidence that her husband is a double amputee and that his own health has deteriorated over the last few years.
21. Mrs Reid gave evidence that she is employed at the local school in Helensburgh on a part-time basis.
22. Mrs Reid gave evidence that she and her husband purchased the Property in November 2024. She gave evidence that she was aware the Property had a sitting tenant in it at the time of purchase.

23. She gave evidence that she and her husband have been living in the caravan and that this is unsustainable. The caravan park shuts for part of the year, from January to March. During this period they have to obtain alternative accommodation, usually an Air BnB. The let Property better suits their needs and is close to their employment, her daughter, whom she supports, and medical facilities, and has enough space to live comfortably. Their current living arrangements are cramped and both she and her husband's medical conditions have worsened recently. The Property is a 4-minute drive from her daughter's home and a 15-minute walk from her employment. The Property is also all on one floor, which is best for her husband's condition. She gave evidence that her husband can struggle day to day with pain, which can prevent him from driving. She and her husband also work different shifts. This means that sometimes she has to spend around 3 hours in Helensburgh after she finishes work before her husband drives them back to their caravan. This has the effect of making her unable to commute to work when she relies on her husband to do so. The cost of commuting is also challenging. They do not own any other property and cannot afford to purchase another property.

Witness Evidence of Gordon Reid

24. Mr Reid gave evidence that they purchased their current residence, the caravan, to be closer to Mrs Reid's daughter in 2020. He gave evidence that she was diagnosed with cancer in 2021 and had major surgery. He gave evidence that Mrs Reid moved in with her in 2021 to support her and her 1-year-old granddaughter. He gave evidence that in 2021 he remained in their home in Glenrothes because of his employment at the time and would travel to and from Glenrothes to the caravan every weekend.

25. He gave evidence that he was made redundant from his work in the Glenrothes area and both him and Mrs Reid decided they would sell their home in Glenrothes and purchase a property for retirement, and they decided Helensburgh was the area to do so to support Mrs Reid's daughter. He recalls purchasing the Property for over £10,000 over the marketed price. The home suited his needs as a disabled person.

26. He gave evidence the Property was purchased *via* the Property Bureau and was being sold by a liquidator. He gave evidence that he asked his property agent whether they could move into the property and the advice was that they could if they went through the proper channels to evict the tenant.

27. He gave evidence that him and his wife purchased the Property in November 2024 and gave the Respondent a new Tenancy commencing from February 2025. Mr Reid secured employment at a local leisure centre in Helensburgh in November 2024.

28. He gave evidence that he and Mrs Reid's circumstances had changed by 2025. He gave evidence that he was a double amputee living in a caravan, which was originally supposed to be only for a weekend retreat. He moved into the caravan on a permanent basis in November 2024 after he and his wife sold their home in Glenrothes in 2023. He had lived with his parents between 2023 and 2024 to support them.
29. He gave evidence that the caravan park closes every year between January and March, so they have to relocate, usually to an Air BnB for 5 weeks. When the caravan park closed in 2025, he and his wife lived in an Air BnB in Helensburgh, which was a 2-bedroom property. He gave evidence that he and his wife realised at that time that their current living arrangements were unsustainable, as they were using alternative accommodation while having a property suitable for all their needs.
30. He recalled speaking with Mrs Reid and they made the decision to advise the Respondent, *via* Mrs Wassel to explain their intention to move into the Property. He gave evidence that he instructed Mrs Wassel to serve the requisite notice to commence eviction proceedings in February 2025.
31. He gave evidence that he faces significant challenges on a day-to-day basis with his current arrangements, including washing and going to the toilet. He explained that his medical conditions have worsened recently and that he has recently fallen at the caravan. He gave evidence that his pain has worsened and, on days where the pain is not manageable, he has to take strong medication that has side effects such as drowsiness, which prevents him from driving. This means he cannot take his wife to work given the commute between the caravan and Helensburgh.
32. He gave evidence that staying at the Property would make a huge difference for him and his wife. He and his wife work within half a mile from the Property. They would be closer to medical facilities. They would not spend as much commuting and could give up the caravan and sell that. He gave evidence that living at the Property would give them a better quality of life.

Evidence of Monica Shields

33. Ms Shields gave evidence that she had been living in the Property since October 2019. She gave evidence that her husband had tragically passed away and she decided to move to Helensburgh for a fresh start for her and her three children, now aged 15, 13 and 8. She gave evidence that her uncle owned the Property and had offered it to her to stay there.
34. She gave evidence that her middle child has additional support needs, which makes everyday life challenging for her. Due to her daughter's needs, any

change in her life could have a significant effect on her. Her daughter has her own bedroom, with her two other children sharing, while she sleeps on the couch. She gave evidence that the garden in the Property has been modified to assist her daughter's condition. She also benefits from support within the local community, and the Property is in close proximity to school for all her children.

35. She gave evidence that this property is her family home. She gave evidence that she is also a carer for her father, who is on permanent oxygen. She gave evidence that she works night shift part time, to allow her to tend to her children's needs.
36. She gave evidence that she sleeps on the couch given her shift patterns and has done since moving into it in 2019. She gave evidence that her parents stay locally in Helensburgh and the children stay with them when she is on nightshift.
37. She gave evidence that she has applied for homelessness, however, the local council currently has a housing crisis. She gave evidence that it is exceptionally hard to find suitable alternative accommodation. Mrs Richardson explained that if the Respondent was evicted, the local authority would have to source alternative temporary accommodation for the Respondent and her children. This would have to be sourced from private landlords. Temporary accommodation could be anywhere within the council locality.
38. Ms Shields gave evidence that she would be unable to secure private housing but has been looking at properties online. She gave evidence that she has not been able to find any suitable properties and has not visited or viewed any properties since receiving a Notice to Leave. She gave evidence that she is in receipt of housing benefit and pays the difference between the rent and the benefit paid, which is roughly £175 per month.

Findings in Fact

39. On 17 June 2025 the Applicants served upon the Respondent a Notice to Leave (NTL) as required by the 2016 Act. Service was effected by Recorded Delivery on 18 June 2025. The notice informed the respondent(s) that the Applicants wished to seek recovery of possession of the let property using the provisions of the Act. The notice set out one of the grounds contained in schedule 3 of the Act, namely ground 4 (that the Landlord intends to live in property). The NTL was correctly drafted in accordance with the requirements of the act and gave appropriate notice period as required in law.
40. Having regard to the witness evidence, the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact that the Applicants intend to live in the Property as their only or principal home for at least 3 months.

41. The basis for the order for possession on ground 4 was thus established.

Reason for Decision

42. The order for possession sought by the Applicants was based on a ground specified in the Act and properly narrated in the notice served on the Respondent. The Tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the Applicants were entitled to seek recovery of possession based upon that ground.

43. The Tribunal accepted the evidence presented on behalf of the Applicants with regards to their change of circumstances and were thus satisfied they intended to live in the Property and it was reasonable to grant eviction on that basis.

44. In any event, the Property was overcrowded. Whilst the living arrangements for the Respondent may work for her presently, they were not a long-term solution. The Property did not meet their needs. Despite Argyll and Bute Council having a housing shortage, they would have to find temporary accommodation for the Respondent to meet their statutory duties.

Decision

45. The ground for eviction based on the landlord intending to live in the property was accordingly established.

46. The Tribunal has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant. This is confirmed by one of the leading English cases, *Cumming v Danson* [1942] 2 All ER 653 at 655, where Lord Greene MR said:

“In considering reasonableness... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusions giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account.”

47. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.

48. In this case, the Tribunal finds that it is reasonable to grant the order. The balance of reasonableness is weighted in favour of the Applicants.

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.

Craig Chisholm

24-July-2026

Legal Member/Chair

Date