



**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/26/0232

**Re: Property at 23 Glenhove Road, Cumbernauld, Glasgow, G67 2LG (“the
Property”)**

Parties:

**Mr Vikas Chawla, 12 Kingsmuir Drive, Cumbernauld, Glasgow, G68 9FB (“the
Applicant”)**

**Mrs Karamjeet Pal, Mr Hardeep Singh, 23 Glenhove Road, Cumbernauld,
Glasgow, G67 2LG (“the Respondent”)**

Tribunal Members:

Yvonne McKenna (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant is entitled to the order sought for
recovery of possession of the property, with enforcement of the order delayed
to 30 November 2026.**

The decision of the Tribunal is unanimous.

Background

1. The Applicant submitted an application dated 16 January 2026 under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (the Rules). The Applicant sought an order to evict the Respondent from the Property under Ground 4 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016, namely that the landlord intends to live in the Property.
2. The Applicant lodged the following documents with their application:

- copy of a private residential tenancy agreement ('PRT') between the parties in respect of the Property, which tenancy commenced on 1 May 2025 at a monthly rent of £500.
 - copy notices to leave dated 8 September 2025 with evidence of service.
 - copy section 11 notice with evidence of service to North Lanarkshire Council.
 - letter (undated) from the Applicant confirming his intentions to reside at the Property when vacant possession obtained.
3. A Convenor of the Housing and Property Chamber ("HPC") having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion ("CMD").
 4. Letters were issued on 16 July 2026 informing both parties that a CMD had been assigned for 19 August 2026 at 2pm, which was to take place by conference call. The letter and case papers were served by sheriff officers on the Respondent on 20 July 2026.
 5. No representations had been received in writing from the Respondent in advance of the CMD.

The Case Management Discussion ('CMD')– 19 August 2026

6. A CMD took place by teleconference on 19 August 2026 at 2pm.
7. The Applicant was represented at the CMD by Mr Ullah of LetsB Wise Glasgow Ltd. The Respondent Mrs Pal was present.
8. Mrs Pal said that the Respondent Mr Singh is no longer resident at the Property. He is her former partner. He left in September 2025.

Position of the Applicant

9. The Applicant sought the Order for Possession. Mr Ullah said the Applicant had bought the Property with sitting tenants on 1 May 2025. The previous owner had said that the tenants would leave when the Applicant took ownership, which did not happen. When he bought the Property, the Applicant had the intention of residing there. The advice which was given to the Applicant's agents by the Scottish Association of Landlords, was that a new lease would be required, as the original lease was in the previous owner's name. This would be required before the Tribunal would consider granting an eviction order.
10. He said that if the Applicant obtained an order for eviction, and then did not move in, the Respondent would have a right of recourse to the Tribunal.
11. The Applicant would have no issue with the order being deferred to allow the Respondent more time to be rehomed by the local authority.

Position of the Respondent

12. Mrs Pal said that she objected to the application as she wished more time to pursue an application with the local authority for re-housing. She said that the previous owner had already served a notice to leave. She had first approached the council in 2021. She was sceptical about the landlord intending to live in the Property. The reason for that, was that when her tenancy with the Applicant commenced, he had wanted to put the rent up and put other tenants in the Property. She said the situation is obviously unfair.
13. She resides in the Property together with her two children aged 7 and 19, and recounted to the Tribunal various health issues within the household. She has been absent from work for a while and has been receiving some support for her problems.
14. She asked the Tribunal to give her more time to source alternative accommodation with the local authority. She said they had told her she is now top of the list to be allocated alternative accommodation. Potentially, the family will need to be placed in temporary accommodation.

Findings in Fact

15. The Applicant is the heritable proprietor of the Property.
16. The Respondent is the tenant at the Property.
17. The parties entered into a PRT which commenced 1 May 2025 at a monthly rent of £500.
18. The Applicant served notices to leave dated 8 September 2025 on the Respondent by Sheriff Officers.
19. The Respondent Mr Hardeep Singh left the Property in September 2025.
20. The Respondent Mrs Karamjeet Pal continues to reside in the Property along with her daughter aged 7 years, and her adult son aged 19 years.
21. The Applicant served a section 11 Notice in terms of the Homelessness Etc Scotland Act 2003 to North Lanarkshire Council by e-mail prior to making the application.
22. The Applicant intends to reside in the Property when vacant possession is obtained.

Reasons for the Decision.

23. The Tribunal was satisfied it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
24. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied on Ground 4 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. The Tribunal accepts that the Applicant has provided a signed statement stating that he wishes to reside in the Property. His representative said this had been his intention when he purchased the Property from the outset.
25. Section 51 of the 2016 Act provides that “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 applies.”
26. Section 52 of the 2016 Act goes on to state that “an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.” The Tribunal had before it a copy of the notices to leave in the prescribed form that had been sent to the Respondent which cite Ground 4 of Schedule 3 of the 2016 Act. The Tribunal was also satisfied that the Applicant had sent a section 11 notice to the local authority in accordance with the requirements of section 56 of the 2016 Act.
27. The Tribunal considered the terms of Ground 4, which are contained in Schedule 3 of the 2016 Act: -

*‘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.]
(3) References to the landlord in this paragraph—
(a)in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,
(b)in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.
(4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.’*

28. The Tribunal determined based on the documentary evidence before it, that the Applicant is entitled to reside in the Property as the registered owner and intends to reside there for at least 3 months. The Land Certificate confirmed their entitlement as the registered owner, and their intention to reside in the Property was clear both in terms of the correspondence produced, their reasons for taking

such action, and the representations made by Mr Ullah. There was no contradictory evidence before the Tribunal.

29. The Tribunal therefore determined that Paragraphs 4 (1), and 4 (2)(a) of Schedule 3 of the 2016 Act were met.
30. The Tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of Paragraph 4(2)(b) of Schedule 3 of the 2016 Act.
31. The Tribunal considered all factors relevant to reasonableness in the circumstances of this case. Whilst the Tribunal had some sympathy for the Respondent's position, the Tribunal ultimately determined to give most weight to the Applicant's property rights and the position that they had purchased the Property from the outset with the intention of residing there.
32. The Tribunal carefully considered the Respondent's circumstances but ultimately could identify no factors that would weigh against the granting of an eviction order in this case. The Tribunal noted that the Respondent had provided no evidence in support of their position, such as medical evidence or evidence of their status in terms of rehousing with the local authority. In addition, the Respondent had very much maintained the position that they sought further time to secure alternative housing with the local authority as a factor that it was unreasonable to grant the order. They have already been served with notice to leave by the last owner of the Property and have been engaging with the local authority since 2021 regarding rehoming. As such, the Tribunal gave less weight to their submissions at the CMD.
33. The Tribunal granted the application but considered that it was reasonable to do so on the provision that the order may not be enforced until 30 November 2026. The Tribunal considered that it was reasonable to delay the enforcement of any order by a further period of around 10 weeks. That appeared to strike the right balance of allowing the Respondent time to find alternate accommodation, whilst recognising the Applicant's wish to reside in the Property.
34. Accordingly, having considered all the factors relevant to reasonableness, the Tribunal determined that the balance weighs in favour of making an eviction order in this case, and that Ground 4 of Schedule 3 had been made out.

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.

Yvonne McKenna

19 August 2026

Legal Member/Chair

Date