



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/26/0069

Re: Property at 14 Thomson Drive, Airdrie, ML6 9DE (“the Property”)

Parties:

Mrs Balvinder Hothi, 22 Bloom Drive, Coatbridge, ML5 4WG (“the Applicant”)

Ms Heather McLaughlan, 14 Thomson Drive, Airdrie, ML6 9DE (“the Respondent”)

Tribunal Members:

Elaine Paton (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

1. An application lodged on behalf of the Applicant was received by the Housing and Property Chamber (HPC) on 08 January 2026. 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 Applicant seeks an eviction order in terms of Section 51 and ground 5 of Schedule 3 of the 2016 Act. Submitted with the application was a tenancy agreement, Notice to Leave with evidence of service, Section 11 notice and relative email exchange with the local authority, copy death certificate, statement by the Applicant’s family member, and copy hospital letter in relation to the Applicant’s health. The application was accepted on 02 April 2026.
2. A copy of the application was served on the Respondent by Sheriff Officers on 29 July 2026 via letterbox at the Property. Both parties were notified that a case management discussion (“CMD”) would take place by teleconference call on 04

September 2026 at 2pm and that they were required to participate. The Respondent was invited to submit written representations in response to the application by 19 August 2026. No written representations were received from the Respondent prior to the CMD. On or around 21 August 2026, the HPC administration received an email with a submission by the Applicant nominating her friend to assist her at the CMD due to her poor health.

3. The CMD took place on 04 September 2026 by telephone conference call. The Applicant was present and was assisted by her friend Mrs Tajrinder Bassra. The Respondent was present, and represented herself.

Summary of the Case Management Discussion

4. The Tribunal explained the purpose of the CMD and how it proposed the discussion should proceed, then confirmed with those present that they understood, noting they had no questions before continuing.
5. The Tribunal noted the Private Residential Tenancy ("PRT") agreement lodged with the application states the tenancy started on 01 June 2025 however an explanation had also been provided by the Applicant which stated the Respondent had actually been residing in the Property since 2012. The Tribunal noted parties had agreed to update the tenancy arrangement in the form of a PRT in June 2025. Also lodged with the application was a Notice to Leave dated 02 September 2025 which was sent to the Respondent by email that same day. The Notice to Leave stated that a family member intended to live in the Property, alluding to the Applicant's poor health, and an application to the Tribunal for an eviction order would not be submitted before 29 November 2025. The Applicant sent Notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 to the local authority by email on 06 January 2026, and this was acknowledged on behalf of the local authority on 07 January 2026. The application was lodged with the First-tier Tribunal on or around 08 January 2026. Amongst the application papers was a letter dated 24 September 2024 issued by Dr Steven Leak of NHS Lanarkshire University Hospital Monklands addressed to the Applicant's General Practitioner regarding her health including a statement that the Applicant required to commence health treatments, the options for that would be discussed with the Applicant's daughter that same week and the Applicant was unable due to her medical condition to proceed with a prior travel arrangement. Also, amongst the application papers, were written statements from the Applicant's daughter Harpreet Dhanda dated 07 January 2026 and 03 February 2026 which indicated respectively that she was: the Applicant's primary carer; and she intends to move into the Property as soon as it becomes available to occupy it as her sole and main residence due to her personal circumstances and a requirement for her to live in close proximity to her mother in order to support her health care needs.
6. Responding to the Tribunal, the Applicant's friend Mrs Bassra confirmed Harpreet Dhanda was the Applicant's daughter and the Applicant's oldest son lives down south therefore Harpreet was assisting the Applicant in relation to her medical care. The Applicant stated her daughter currently resides in London and has been travelling to Lanarkshire to assist her regarding her

enduring medical treatment. The Applicant explained her daughter generally works from home with requirements to attend at her employer's business on so many days during a given period. The applicant continued to explain that, at present, her daughter is in rented accommodation in London, she does not own a property there, and when she travels to help with the Applicant's care she stays at her home but needs her own house and this is why she intends to move into the Property. In response to the Tribunal, the Applicant stated that her daughter intends to continue in her employment by working from home but will be living close by to help her with her care and hospital treatment which she stated she attends fortnightly. The Applicant stated her fortnightly hospital treatment takes a lot out of her and she feels unwell for a number of days afterwards (as she did at the hearing).

7. Ms McLaughlin had immediately stated to the Tribunal that she recognised that the Applicant was very unwell. Ms McLaughlin continued to state that the Applicant had been very good to her and the relationship between her landlord and her has been great. Responding to the Tribunal, Ms McLaughlin confirmed that she has resided in the Property since 2012 and she voluntarily entered into an updated private residential tenancy agreement with the Applicant in June 2025. Ms McLaughlin explained that she is very sorry to the Applicant that she has been unable to move out however she had taken advice on her circumstances and was told by the local authority that she should not move out of the Property and should not comply with the notice to leave. Responding to the Tribunal, Ms McLaughlin stated the Council told her they would not take steps in relation to alternative accommodation for her until she had an eviction date, she needed to be homeless for them to take forward an application making mention of being given temporary accommodation. Ms McLaughlin clarified for the Tribunal that her application to the local authority for social housing, once live, covers other social housing also such as housing associations within the local authority area. Further responding to the Tribunal, Ms McLaughlin stated she is 57 years old, she resides at the Property alone and has no dependents living with her. Ms McLaughlin stated she does have health issues and has made the local authority aware of this, explaining she believes this means she has quite a high number of points and some priority regarding a housing application. Ms McLaughlin re-stated she understands the Applicant is very unwell and she offered her heartfelt apologies to the Applicant, stating further that she feels no hostility towards her landlord and wants to be clear that she has not been put under any duress to leave the Property however she does not have anywhere else to go and was advised to remain there, expressing frustration at how long it has taken for the application to reach a hearing. Ms McLaughlin stated she is unemployed and in receipt of some benefits including housing costs which she receives, then she pays her rent. In response to the Tribunal, Ms McLaughlin stated she is not currently in arrears of rent.
8. The Tribunal asked those present if they had further comment to make in relation to what had been said. The Tribunal then adjourned for a short period before re-convening.

Findings in Fact

9. The Applicant is the owner and registered landlord of the Property.
10. The parties voluntarily entered into a private residential tenancy agreement for the Property which commenced on 01 June 2025. The parties acknowledged the Respondent has resided in the Property for much longer (since June 2012 under a different tenure) with the parties agreeing to update their tenancy arrangement for the Property in June 2025.
11. The Applicant served a Notice to Leave on the Respondent by email on 02 September 2025.
12. The Applicant has significant health issues and is required to receive regular hospital treatments.
13. The Applicant's daughter Harpreet Dhanda provides support to the Applicant in relation to her health care and medical treatments.
14. The Respondent sought advice in relation to her housing options and alternative accommodation at an early stage.
15. The Respondent has resided in the Property since 2012, she currently resides at the Property alone, and she is still in occupation of the Property.

Reasons for Decision

16. The application was submitted with a copy signed Private Residential Tenancy agreement. The Respondent has resided at the Property since 2012 however parties agreed to enter into an updated tenancy arrangement in June 2025.
17. The application was also submitted with a Notice to Leave dated 02 September 2025, together with a copy email to the Respondent which establishes that the Notice was served on the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 5 (the landlord's family member intends to live in the Property).
18. The application to the Tribunal was not made before the expiry date specified in the Notice to Leave. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
19. Rule 17 of the 2017 Regulations provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

20. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
21. Ground 5 of schedule 3 (as amended by the Coronavirus (Recovery and Reform (Scotland) Act 2022) states, “(1) *It is an eviction ground that a member of the landlord's family 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) a member of the landlord's family intends to occupy the let property as that person'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...* (4) *For the purposes of this paragraph, a person is a member of the landlord's family if the person is— ... (b) a qualifying relative of the landlord,...* (5) *For the purposes of sub-paragraph (4)— ... (b) “a qualifying relative” means a ... child, ...* (7) *Evidence tending to show that a member of the landlord's family has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the person has that intention.*”
22. The Tribunal considered the evidence provided in support of the application, including the statements from Hardeep Dhandra: that she is the Applicant's daughter (confirmed by Mrs Bassra), she is her mother's primary carer and intends to live in the Property as her only or main residence due to personal and medical circumstances, requiring to live in close proximity to the Applicant to support her with her health care; taken together with the medical letter issued by NHS Lanarkshire University Hospital; and the oral submission by the Applicant regarding the nature and frequency of her ongoing medical treatment and her daughter's current home and work arrangements. The Tribunal also considered that the Respondent offered no challenge to the documents lodged or information stated in oral submissions during the CMD. Ground 5 is therefore established.
23. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following:
- (a) The Tribunal had before it evidence of the Applicant's ill-health which also confirmed the Applicant's daughter was a primary carer in relation to the Applicant's health care.
 - (b) The Tribunal noted the statement by the Applicant's daughter regarding her intention to reside in the Property as her only or principal home, stating she is required to live in close proximity to her mother to support her health care. That statement was set into context by the Applicant's oral submission regarding her daughter's current accommodation and working arrangement: that she resides in rented housing in London and has to travel far in order to support the Applicant whilst able to work from home the majority of time.

- (c) The Respondent did not lodge any written representation in response to the application and did not challenge the basis of the eviction application at the CMD.
- (d) The Tribunal is satisfied there is no evidence to contradict the Applicant's claim in terms of Ground 5 that her family member, her daughter, intends to live in the Property, and that the Applicant's daughter intends to occupy the Property as her only or principal home for at least three months once the tenant ceases to occupy it.
- (e) The Tribunal is satisfied the Applicant's daughter is unable to relocate to Lanarkshire and sustain her home and working environment within the Applicant's home.
- (f) The Tribunal considered the Respondent's age, that she is unemployed and in receipt of benefits, and she resides in the Property alone. The Tribunal is satisfied the Respondent may have health issues, a position not disputed by the Applicant, albeit no information or evidence in relation to same was submitted by the Respondent.
- (g) The Tribunal is satisfied the Respondent made enquiries in relation to her housing options and arrangements for alternative accommodation; that she sought advice regarding her circumstances and acted in line with those advices.

The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act that ground 5 has been established. For the reasons outlined in paragraph 23, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

The Tribunal stated its determination orally to parties at the CMD and indicated the order to follow would state that eviction could not occur before 12 noon on 04 October 2026 (the end of the appeal period). The Respondent requested that the Tribunal's decision be sent to her by email and provided the Tribunal with a note of her email address, which was noted to be the same address as stated in the PRT.

Decision

The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Elaine Paton, Legal Member/Chair

04 September 2026