



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/26/1706

Re: Property at 0/1, 4 Bonnyrigg Drive, Glasgow, G43 1HQ (“the Property”)

Parties:

Ms Pauline Jeffrey, 9 Colwood Place, Glasgow, G53 7YB (“the Applicant”)

Mr Dario Lombardo, 0/1, 4 Bonnyrigg Drive, Glasgow, G43 1HQ (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that
Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that provisions of paragraph 4 of Schedule 3 of the 2016 Act are met in this case.

The Tribunal therefore made an eviction order under Section 51 of the 2016 Act.

In terms of Section 51(4) of the 2016 Act, the Private Residential Tenancy between the parties will end on 21st October 2026.

Background

1. This is an application dated 17th April 2026 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedure 2017) (“The Rules”). The Applicant relied upon ground 4 of Schedule 3 of the 2016 as the ground for

eviction, namely that the Applicant intended to occupy the let property as their only or principal home for at least three months.

2. On 17th May 2026 the application was accepted by the Tribunal as valid and referred to a Tribunal for determination. A Case Management Discussion was set down to take place on 21st September 2026 by teleconference. The Tribunal gave notice of the Case Management Discussion to the parties in accordance with Rule 17(2) of the rules. The notice was served on the Respondent by Sheriff Officers on 13th August 2026 by letterbox service.
3. The Tribunal invited the Respondent to make written representations in response to the application no later than 29th August 2026. No written representations were received from the Respondent.

The Case Management Discussion

4. The Case Management Discussion took place on 21st September 2026 at 10am. Mr Andrew Devlin Solicitor Complete Clarity Solicitors Glasgow represented the Applicant. The Respondent did not join the call. The Tribunal were satisfied that the Respondent had been given proper notice of the Case Management Discussion. There was no explanation for his absence. He did not attempt to logon to the teleconference during the Case Management Discussion.
5. The Tribunal had the following documents before it:-
 - a. Form E application form;
 - b. Land Certificate confirming that the property was owned by the Applicant;
 - c. Evidence that the Applicant was registered as a landlord;
 - d. A copy of a Private Residential Tenancy Agreement between the parties;
 - e. A copy of the Notice to Leave and proof of delivery of the Notice to the Respondent on 19th December 2025;
 - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and proof of delivery on Glasgow City Council by email on 17th April 2026;
 - g. Rent statement to 1st August 2026.
 - h. An affidavit by the Applicant dated 15th April 2026.
6. The Tribunal heard submissions from Mr Devlin on behalf of the Applicant. He explained that the Applicant is 64 years of age. She works part time as a teaching assistant. She had rented the property out to the Respondent in May 2022. It was understood that initially the Respondent resided in the property with his wife and children but that following a domestic incident they left, and he continued to reside there by himself. The last visit to the property had been in March 2026 and at that time the Respondent was still resident there. He had not paid rent since December 2025. The Applicant's daughter and children had required to move in with her following a breakdown in her daughter's relationship. The Applicant resided in a two bedroomed property, and it was accordingly overcrowded. She wanted to recover possession to allow her to move into the rented property, leaving her daughter and grandchildren in her

own property. The Applicant's grandchildren were settled where they were and attended schools locally. The rented property was more suitable for the Applicant as she got older as it was a ground floor flat as opposed to the property she was currently living in which had stairs. Mr Devlin submitted that the terms of Ground Four had been made out and that in all the circumstances it was reasonable that an order for eviction be made.

7. The Tribunal adjourned the Case Management Discussion to deliberate outwith the presence of the Applicants agent. After a brief adjournment, the Tribunal resumed the Case Management Discussion and confirmed the outcome.

Findings in fact and law

8. The Applicant is the owner of the property in terms of a land certificate registered in the Land Register of Scotland under title number GLA61870. She is the landlord, and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 27th May 2022.
9. The Applicant's agents arranged for service of a Notice to Leave as defined by Section 62 of the 2016 Act on the Respondent by sheriff officers on 18th December 2025. In terms of the notice, the Respondent was advised that an application might be submitted to the Tribunal for an Eviction Order after 14th March 2026.
10. A notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicant to Glasgow City Council on 17th April 2026.
11. The Applicant intends to live in the property as her only or principal home for at least 3 months.
12. The Applicants daughter and her daughter's children live with her in her current home, which only has two bedrooms, and which is overcrowded.
13. She intends to move into the property and to allow her daughter and grandchildren to continue to occupy her current home.
14. The property is a ground floor flat which is more suitable to the Applicant's needs than her current home.
15. There are significant rent arrears in respect of the property.
16. The contractual rent for the property is £595 per month. The rent account has been in arrears since 1st July 2025. At the date of this decision, there was a rent arrear of £7410. No rent had been paid since notice was given to the Respondent.
17. The Respondent is believed to reside in the property by himself.
18. It is understood that the Respondent is in employment.
19. There was no appearance on or on behalf of the Respondent, nor had any submissions been made on his behalf.
20. It is reasonable to make an Eviction Order.

Reasons for Decision

21. The Tribunal was satisfied having considered all the documentary evidence and the submissions from Mr Devlin that it had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application at the Case Management Discussion. The Tribunal accepted the documentary evidence and the submissions from the Applicants representative. There was no contradictory evidence before the Tribunal.
22. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a notice to leave on the Respondent.
23. The Tribunal was satisfied that the Applicant wished to move into the property as her only or principal home and to reside there for at least 3 months .
24. The Tribunal noted the extent of the rent arrears.
25. The Tribunal considered the Respondent's circumstances such as there were known to the Tribunal. The information the Tribunal had was limited as the Respondent had not chosen to either lodge submissions or appear in the Case Management Discussion.
26. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to reasonableness and determine how much weight should be applied to them. The Tribunal attached considerable weight to the fact that the Applicant was currently living in a property that was overcrowded and that the property was more suitable for her needs. The Tribunal took into account the fact that the Respondent had significant rent arrears.
27. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted. The Tribunal were satisfied that the provisions of paragraph 4 of Schedule 3 of the 2016 Act have been met in this case.
28. The decision of the Tribunal was unanimous.

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.

Robert MacDonald

Robert MacDonald

21.09.2026

Legal Member/Chair

Date