



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland  
(Housing and Property Chamber) under Section 18 of the Housing (Scotland)  
Act 1988 (“the Act”)**

**Chamber Ref: FTS/HPC/EV/25/3515**

**Re: Property at Flat 1/9, 69 James Watt Street, Glasgow, G2 8NF (“the Property”)**

**Parties:**

**Mrs Charlotte Sleigh, Miss Nicola Sleigh, 14 Station Road, Perth, PH1 3QF (“the Applicant”)**

**Miss Elizabeth Francis, Flat 1/9, 69 James Watt Street, Glasgow, G2 8NF (“the Respondent”)**

**Tribunal Members:**

**Jim Bauld (Legal Member) and Ahsan Khan (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 15 August 2025 the applicants sought an order under section 18 of the Housing (Scotland) Act 1988 (“the 1988 Act”) and in terms of rule 65 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 20 October 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Discussion (CMD) took place on 15 December 2025, and a Note was issued to parties. It was determined that a hearing required to take place and that was eventually fixed for 13 October 2026.

## **The Hearing**

4. The Hearing took place on 13 October 2026 via Webex video conference. The applicants were not present but were represented by their letting agent, Mr Robert Nixon, Managing Director, Ritehome Limited. The Respondent was present.

### **Summary of discussions at the hearing**

5. Mr Nixon had lodged written representations in advance of the hearing indicating that he did not intend to call any witnesses but that he intended to rely on the documents previously lodged and to make submissions based upon that evidence. He had provided a skeleton argument indicating why he believed the order should be granted.
6. The documents which were lodged on behalf of the applicants consisted of:
  - apparent screenshots from a website called “Viva Street”;
  - copies of what appear to be text or social media messages;
  - a letter dated 12 September 2025 to the letting agent;
  - an email dated 17 September 2025 to the letting agent;
  - a timeline of events between December 2024 and August 2025;
  - warning letters sent by the applicants’ agent to the respondent dated respectively 8 November 2024 and 12 December 2024;
  - a disclosure document from Police Scotland.
7. The screenshots from the website consisted of two pages containing text and photographs which appear to indicate that a female is offering sexual services from a property in the Blythswood Hill area of Glasgow.
8. The text or social media messages also appear to indicate that sexual services are being offered from the address at flat 1/9, 69 James Watt Street Glasgow.
9. The letter and email were both redacted to shield the identity of the authors. The letter and email each contain allegations that the respondent is operating as a prostitute from the property and claim that there are regular instances of individuals attempting to gain access to the block. It is claimed that those individuals frequently cause noise and disturbance and have on occasion acted aggressively, creating an intimidating and unsafe environment. The letter and email also contain allegations that the property is being used as a brothel with the tenant allowing multiple different sex workers to operate from the property. No specific details of dates and times of these alleged events have been provided.
10. Additionally, there was a single-page document which bore to be a timeline of events which detailed instances of antisocial behaviour between December 2024 and August 2025.

11. As narrated in the Tribunal's note issued after the CMD, the respondent had previously agreed she had received the two letters from the applicants' letting agent dated 8 November 2024 and 12 December 2024 which had been lodged.
12. The first letter, dated 8 November 2024, indicated that there had been a complaint relating to an incident on 29 September 2024 where damage had been caused to the communal doors of the property at 69 James Watt St and that a male person had been removed from the respondent's flat.
13. The second letter, dated 12 December 2024, indicated that complaints had been received relating to an "exotic business" being run from the property which has resulted in the police being called out to the property on a few occasions and many people coming and going from the property at all hours of the day and night.
14. The position of the applicants is that the respondent was using the flat as a location to sell sexual services, that it was being used as a brothel, that other residents were regularly being disturbed by those attending at the flat and that the respondent was therefore behaving in a manner which was antisocial as it was causing nuisance, alarm, distress and annoyance to other residents within the block.
15. Mr Nixon confirmed that there had been no reports of any ongoing anti-social behaviour since September 2025. He confirmed that the witnesses who had provided him with the previous complaints had been asked to keep him updated of any fresh complaints.
16. Mr Nixon indicated that the letter of 12 September 2025 and the timeline of complaints had been provided by one resident in the building called "Olly". This resident had also provided the text messages which form part of the productions.
17. The text messages set out a conversation between "Olly" and a person offering sexual services. The location from which the services are being offered is stated clearly within the messages to be the respondent's flat.
18. It was Mr Nixon's position that there had been numerous complaints arising from the respondent's activities. The two complainers lived on the floor above the respondent. There were 15 to 18 flats accessible from the common entrance which also served the respondent's flat. Mr Nixon accepted that it would be a busy building and that there would be regular examples of people coming and going from the building. He indicated that to access the building you either required to open two doors with keys or to be allowed access by a resident using the intercom system.
19. Mr Nixon referred to three productions which contained photographs. The first photograph showed the living room of the respondent's flat and had been taken by his colleague during a visit in May 2025. The other two photographs were contained in the screenshots taken from the website called "Viva Street". Each

of these two pictures showed a female and the corresponding text indicated that the female was willing to provide sexual services in exchange for payment. It was Mr Nixon's evidence that the other two photographs had been taken inside the respondent's property. He indicated that he had visited the property on numerous occasions and that this evidence was based on his own knowledge of the flat.

20. Mr Nixon explained that the witness Olly wished to remain anonymous.
21. It was Mr Nixon's position that the order for eviction should be granted based on the antisocial behaviour of the respondent.
22. Ms Francis was then questioned by the Tribunal in respect of various matters. It was her position that she had resided in the property for almost 10 years and was a person who was well respected. She denied operating as a prostitute from the building.
23. She was asked specific questions by the Tribunal with regard to the photographs. She accepted that the photograph of the living room (taken by the letting agent) was her living room.
24. On further questioning, she also accepted that the two photographs which are shown on the screenshots from the Viva Street website were also taken inside her property. She accepted one photograph showed her living room and the other showed her bedroom. She denied that she was the female in these pictures. She indicated that the female in the picture taken in the living room might be her cousin who occasionally stayed in the property. Her cousin normally lived in London but would come to stay in Glasgow when Ms Francis went on holiday. She could not identify the woman in the photograph taken in the bedroom.
25. It was Ms Francis's position that the emails and letters contained fabricated allegations either from her neighbours or by a member of staff of Ritehome, the applicants' letting agent. She provided no explanation which might suggest why the neighbours or the staff member might wish to fabricate such evidence.
26. She accepted that the police had attended at the property on two occasions, once in September 2024 and then in November 2024. The incident in September 2024 had involved a male friend who had caused damage to the communal door. The attendance in November 2024 was at the instigation of the letting agent.
27. Ms Francis indicated that she is a student and is doing an online degree. She also works as a beautician and hairdresser. She indicated this degree course would be ending in May 2027, and she has already made arrangements to vacate the property from the end of February 2027.
28. The Tribunal asked Mr Nixon whether he would have any objection to an eviction order being delayed thus allowing Ms Francis' plans to remove to come to fruition. Mr Nixon indicated that he would have no objection to such a delay.

Ms Francis confirmed that she would not be prejudiced or impacted by the granting of an order if it were delayed until after February 2027.

### **Findings in fact**

29. The applicants and the respondent are the landlord and the tenant in a short assured tenancy in the property which commenced on 7 March 2017.
30. A form AT6 notice had been served on the respondent on 28 July 2025 indicating that the applicants sought eviction based on ground 15 of schedule 5 of the Housing (Scotland) Act 1988, namely antisocial behaviour.
31. The property is a first-floor flat in a converted block in the city centre of Glasgow.
32. Adverts have appeared on websites indicating that sexual services in exchange for payment were available within the property during the currency of the respondent's occupation of the property as a tenant.
33. The property has been used for the provision of sexual services in exchange for payment during the course of the respondent's occupation as a tenant.
34. The provision of such services has caused alarm, distress, nuisance and annoyance to other residents within the block in which the property is situated.

### **Discussion and reasons for decision**

35. The ground for eviction under which this application was made is the ground contained in paragraph 15 of schedule 5 of the 1988 Act. The ground is as follows:-

***The tenant, a person residing or lodging in the house with the tenant or a person visiting the house has—***

***(a) been convicted of—***

***(i) using or allowing the house to be used for immoral or illegal purposes; or***

***(ii) an offence punishable by imprisonment committed in, or in the locality of, the house; or***

***(b) acted in an anti-social manner in relation to a person residing, visiting or otherwise engaging in lawful activity in the locality; or***

***(c) pursued a course of anti-social conduct in relation to such a person as is mentioned in head (b) above.***

***In this Ground “anti-social”, in relation to an action or course of conduct, means causing or likely to cause alarm, distress, nuisance or annoyance, “conduct” includes speech and a course of conduct must involve conduct on at least two occasions and “tenant” includes any one of joint tenants/***

36. The Tribunal carefully considered the evidence which consisted of the documents lodged by the applicant and the oral evidence provided by Mr Nixon and Ms Francis at the hearing.
37. The Tribunal noted that Ms Francis did not dispute the veracity of the photographs which had been taken from the website. She confirmed they had been taken within her property. The photographs clearly indicate that the property was being used for the provision of sexual services in exchange for payment. The Tribunal notes that Ms Francis denies being the person providing such services and denies being the person in the photographs.
38. The Tribunal notes that Ms Francis accepts that police had to attend on one occasion to remove a male person who was causing damage to the property.
39. The Tribunal notes Ms Francis's assertion that the letters and emails lodged by the applicants are fabrications. The Tribunal does not accept that these documents have been fabricated. No possible nor even plausible explanation for such fabrication has been tendered by Ms Francis.
40. The Tribunal therefore accepts, on the balance of probabilities, that the evidence contained in the letters and emails complaining about the use of the property for the provision of sexual services for payment and the resulting disturbances is true and accurate.
41. The Tribunal accepts that the provision of sexual services for payment and the resulting disturbances is antisocial behaviour as defined in the eviction ground set out above. It has clearly caused alarm, distress, nuisance and annoyance to other residents within the block.
42. Even if the Tribunal accepts the assertion that it is not Ms Francis herself who was providing these services, there appears to be no dispute that these activities were being conducted from her property and were the source of the nuisance and annoyance to neighbours. Ms Francis is responsible for the incidents of antisocial behaviour which have occurred within her property and which have adversely impacted upon the other residents.

43. The Tribunal accordingly finds the ground for eviction is established.
44. The Tribunal notes that there has been no evidence of any instance of such anti-social behaviour for at least a year.
45. An eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
46. The only matter to be determined in this application is whether it is reasonable to grant the order.
47. The Tribunal now 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. 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. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

***“[I]n 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 conclusion 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”.***

48. In determining whether it is reasonable to grant the order, the Tribunal is therefore now required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. There is no presumption, as a matter of law, in favour of giving primacy to the property rights of the landlord over the occupancy rights of the tenant, or vice versa.
49. The Tribunal finds that it is reasonable to grant the order. The balance in this case favours the applicants.
50. There is clear evidence of significant prior antisocial behaviour. Serious complaints have been raised by other residents in connection with this behaviour. The Tribunal accepts that these complaints are genuinely made and are truthful and accurate.
51. The other residents within the block are entitled to expect that their own peaceful enjoyment of their property will not be adversely affected by the use of another flat for the provision of sexual services in exchange for payment.

They are also entitled to assume that their peaceful enjoyment will not be disturbed on a regular basis by those persons seeking to attend at the property to obtain such services.

52. The Tribunal accepts the evidence that persons who were attending at the property have caused regular disturbance to other residents. The Tribunal does not accept Ms Francis's evidence that the allegations made by the residents are fabricated.

53. The Tribunal does not require to determine whether it is Ms Francis herself who was providing the sexual services, given her own admission that it is her flat which appears on that website. The Tribunal accepts the evidence contained in the documents that sexual services in exchange for payment have been provided within the property.

#### **Should the enforcement of the eviction order be delayed?**

54. The Tribunal is aware that at some point in the near future it will be required, when granting an eviction order, to consider whether the enforcement of that order should be delayed.

55. The Tribunal has a discretion currently to decide that enforcement of an order should be delayed.

56. The Tribunal notes that the respondent has apparently obtained alternative accommodation and is due to move in February 2027. The Tribunal notes the applicants have no objection to the order being delayed.

57. The Tribunal will delay enforcement of the order until 1 March 2027 to give some additional time to the respondent to obtain alternative accommodation or to seek appropriate advice relating to rehousing.

#### **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.**

# J. Bauld

13/10/2026

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Legal Member/Chair

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Date