



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/4664

Re: Property at 25 Lamont Road, Barlornock, Glasgow, G21 3PN (“the Property”)

Parties:

Mr Christopher Connor, 35 Rosevale Crescent, Glasgow, G69 9BY (“the Applicant”)

Ms Helen Nelson, 25 Lamont Road, Barlornock, Glasgow, G21 3PN (“the Respondent”)

Tribunal Members:

Graham Harding (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant was entitled to an order for the eviction of the Respondent from the property.

Background

1. By application received on 7 October 2025 the Applicant’s Letting Agents, R Nixon Estate Agents, Bishopbriggs, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 4 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicant’s agents submitted a copy of a tenancy agreement, Notice to Leave, emails and a Section 11 Notice in support of the application.
2. Following further correspondence between the Tribunal administration and the Applicant’s agents, by Notice of Acceptance dated 1 December 2024 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 19 March 2025.
4. By email dated 4 April 2025 the Respondent's representatives, Govan Law Centre, Glasgow, submitted written representations on the Respondent's behalf.
5. By emails dated 22 and 23 May 2025 the Applicant's new representatives, Holmes Mackillop, Solicitors, Glasgow, submitted further written representations and an Inventory of Productions on behalf of the Applicant.
6. A CMD was held by teleconference on 29 May 2025. The Applicant attended in person and was represented by Mr Craig Donnelly from Holmes MacKillop, Solicitors, Glasgow. The Respondent did not attend but was represented by Miss Laura Simpson from Govan Law Centre, Glasgow. Reference is made to the Tribunal's CMD Note dated 29 May 2025. After hearing submissions from the Applicant and both parties representatives, the Tribunal determined that as there were disputed facts with regards to the availability of alternative accommodation and the effect on the parties' health of granting or not granting the order sought that it was appropriate to assign a hearing to determine if it was reasonable to grant an order for eviction and an in-person hearing was assigned to take place at Glasgow Tribunals Centre on a date after a period of eight weeks to allow the Respondent's representatives to obtain legal aid and also a medical report. The Tribunal suggested to the parties' representatives that they try to agree the terms of a joint minute in advance of the hearing to avoid calling unnecessary witnesses.
7. By email dated 30 September 2025 the Applicant's representatives submitted a further Inventory of Productions and List of Witnesses for the Applicant.
8. By email dated 13 October 2025 the Respondent's representative submitted an email to the Tribunal withdrawing from acting on behalf of the Respondent as they had been unable to obtain instructions.

The Hearing

9. A hearing was held at Glasgow Tribunals Centre on 14 October 2025. The Applicant attended in person and was represented by Mr Robbie McAdam from the Applicant's representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that proper intimation of the hearing having been given to the Respondent determined to proceed in her absence.
10. By way of a preliminary matter, Mr McAdam explained that his witness, Stephanie Driver was unable to attend the hearing for work reasons but had prepared a letter dated 14 October 2025 setting out her position and he asked that the Tribunal allow it to be received. After considering the terms of the letter and as Ms Driver was unable to attend the hearing, the Tribunal allowed the letter to be received.

11. Mr McAdam led evidence from the Applicant who confirmed that he was using his daughter, Mrs Rebecca Fairley's address as his address. The Applicant was referred to page 3 of the Inventory of Productions and said that he received rent of £850.00 per month from the Respondent for the property and from that the letting agent deducted 10% together with any other outgoings. The Applicant was then referred to page 2 of the Inventory and went on to say that the mortgage over the property cost £864.00 per month and he was therefore paying out more every month for the property than he received.
12. The Applicant explained that He had purchased the property from his daughter with the intention of renting it out. He said that his former partner's aunt had been in an abusive relationship and as he had felt sorry for her, he had agreed that she could stay in the property and pay as much as she could afford. The Applicant said that this was made up of housing benefit and the balance up to £850.00 by the Respondent.
13. The Applicant said that following the breakdown in his own relationship he was homeless and reliant on staying with family and friends since June 2024. The Applicant explained that he suffered from alcohol addiction and this and his stressful job had caused his relationship with his partner to break down and resulted in him becoming homeless but that he was now on the road to recovery. The Applicant was referred to the letter on page 7 of the Inventory, a letter from Ms Stephanie Driver of the Glasgow City Health and Social Care Partnership dated 15 May 2025 describing the impact of his current housing circumstances on his wellbeing and mood. The Applicant confirmed he had been seeing the case worker since January 2025 on a regular basis.
14. The Applicant was referred to the letter from Marcia Graham, Counsellor and Psychotherapist, dated 16 May 2025 and said that he had been recommended to see her and that she had helped him through a difficult time in his life.
15. The Applicant spoke of his housing situation causing depression and resulting in him having to take time off work. He also spoke of the difficulties in being able to have his grandchildren aged 5, 3 and 18 months stay with him particularly if as a single homeless person, he would only be allocated a one bedroom flat by the Local Authority The Applicant said he would like to have his grandchildren to stay as this would be of assistance to his daughter who was running her own business from home. The Applicant said that having his own home would provide him with a stable environment that would massively improve his life and relations with his family.
16. In response to a query from the Tribunal the Applicant said that his gross annual earnings were around £70000.00 and his net take home pay was between £3500.00 and £3800.00 per month. The Applicant explained that in addition to his alcohol addiction he had also had a gambling addiction and he was currently paying off very substantial debts at the rate of £1600.00 per month. The Applicant said that he was unable to afford to pay for a private rental property after meeting the shortfall from the rent received from the Respondent and meeting all his outgoings. The Applicant also said that he had tried to obtain a

second mortgage to purchase another property but had failed to meet the criteria.

17. In response to a further query from the Tribunal the Applicant confirmed the Respondent's rent was paid up to date. The Applicant said he had not been in communication with the Respondent but understood from the letting agents that she was still living in the property and had been made aware of the date of the hearing by the letting agents.

18. For the Applicant Mr McAdam submitted that not having a fixed address and having to move from one address to another was having a severe detrimental impact on the Applicant. Mr McAdam submitted that given the Applicant's debts and his subsidising the Respondent's rent of the property it was not possible for the Applicant to rent or buy another property. Mr McAdam referred the Tribunal to the correspondence from Ms Driver and the impact the Applicant's housing situation was having on his emotional and mental wellbeing. Mr McAdam submitted that granting the order for eviction would improve the Applicant's mental health and also help to build on his relationship with his grandchildren.

Findings in Fact

19. The parties entered into a Private Residential Tenancy that commenced on 11 September 2023 at a rent of £850.00 per month.

20. The Respondent was served with a Notice to Leave under Ground 4 of schedule 3 of the 2016 Act on 25 June 2024.

21. Intimation of the proceedings was sent to Glasgow City Council by way of a Section 11 Notice by email dated 7 October 2024.

22. The Applicant has been living with family and friends since June 2024.

23. The Applicant has a mortgage over the property that he is paying at the rate of £864.71 per month.

24. The Applicant receives a net rent after deduction of letting agents' fees of £748.00 per month.

25. The Applicant also has to pay for maintenance, gas safety inspections, insurance and other costs for the property.

26. The Applicant has substantial debts that he is paying off at the rate of £1600.00 per month.

27. The Applicant is not able to obtain another mortgage to buy another property for himself.

28. After servicing his debts and other outgoings including the mortgage on the property the Applicant has insufficient funds to afford his own private rental property.
29. The Applicant wishes a two bedroom property to accommodate visits with his grandchildren.
30. The Applicant has engaged with North East Glasgow Alcohol and Drugs Recovery Service to address his problematic alcohol use.
31. The Applicant has ceased alcohol use and is pro-actively seeking support.
32. The Applicant's current housing situation has a negative impact on his level of anxiety and mood and is a potential trigger that could affect his abstinence.
33. The Applicant's family have raised concerns about the Applicant's mental health as a result of not having a home of his own.
34. The Respondent's rent is paid up to date.
35. The Respondent is in receipt of Universal Credit.
36. The Respondent lives in the property with her two grandchildren aged 17 and 8.
37. The Respondent's younger child attends a local primary school.

Reasons for Decision

38. The Tribunal was required to determine at the hearing whether or not it was reasonable to grant an order for eviction, it having been agreed at the CMD that there was a Private Residential tenancy and that a valid Notice to Leave had been served on the Respondent and that it was the Applicant's intention to live in the property.
39. The Tribunal had expected the Respondent's representatives to provide a medical report to support the claims made on the Respondent's behalf at the CMD but this was not produced nor were any other productions that might support the Respondent's case as regards the effect of having to move home might have on the Respondent and her grandchildren or the availability of alternative accommodation. Furthermore, the Respondent's representatives withdrew from acting on the eve of the hearing for want of instructions. It did appear from the Applicant's evidence however that the Respondent was aware of the hearing date and it would seem likely that the Respondent's representatives would also have told her of the date time and place of the hearing. The Tribunal delayed the start of the hearing to give the Respondent additional time to attend and no explanation for her non-attendance was provided by the Respondent.

40. The Applicant was a credible and reliable witness. He gave an honest appraisal of how his abuse of alcohol had affected his relationship with his former partner and his family and how he was making a determined effort to overcome his addictions. The Applicant also explained the impact of not having a home of his own had on his mental health and why he was unable to afford to rent privately himself despite having a substantial income. The Tribunal accepted that it would be preferable for the Applicant to live in his own two bedroom property in order that he could see more of his grandchildren and be of assistance to his daughter.

41. The Tribunal accepted the information provided in the correspondence submitted by Ms Driver as being of relevance and also took account of the statement provided by the Applicant's family and other professionals in assessing how being homeless has affected the Applicant.

42. Although an order for eviction will undoubtedly have an impact on the respondent and her grandchildren, the Local Authority will have a duty to assist the Respondent and her family to find alternative accommodation. The Tribunal continued the CMD at the request of the Respondent's representatives to allow them to produce evidence to support the Respondent's case and that evidence was not forthcoming. The Respondent herself did not attend the hearing. The Applicant's representative has presented the Tribunal with a persuasive argument for granting the order sought and in the circumstances after carefully considering the evidence before it the Tribunal is satisfied that the order sought should be granted.

Decision

43. The Tribunal is satisfied that in all the circumstances it is reasonable to grant the order sought and finds the Applicant entitled to an order for the eviction of the Respondent from the property.

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.

**Graham Harding
Legal Member/Chair**

**14 October 2025
Date**

