



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/25/1803

Re: Property at 10 St. Mungos Crescent, Motherwell, ML1 4BB (“the Property”)

Parties:

Mrs Soubia Waseem, Mr Shadir Waseem, 7 Faulkner Grove, Motherwell, ML1 5LD; 7 Faulkner Grove,, Motherwell, ML1 5LD (“the Applicants”)

Jan Campbell, 10 St. Mungos Crescent, Motherwell, ML1 4BB (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property. The Tribunal ordered a delay in the execution of an eviction order until 22 May 2026, in terms of Rule 16A (d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicants submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. 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”).
3. Letters were issued on 21 January 2026 informing both parties that a CMD had been assigned for 10 March 2026 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient

information and considers the procedure to have been fair. The Respondent was invited to make written representations by 11 February 2026. No representations were received from the Respondent.

The case management discussion – 10 March 2026

4. The CMD took place by conference call. The Applicants joined the call, and the First Applicant represented them both. The Respondent joined the call and represented herself. The Tribunal explained the purpose of the CMD.
5. The Respondent did not oppose the application but she does not have alternative accommodation for her and her family to go to. She lives in the Property with her two adult children who cannot live independently. She was medically retired 3 years ago and is unable to work. She cannot afford another private let property. She has been in contact with the local authority and her local councillor but has been told that she will not be considered for alternative accommodation unless she is homeless. If an order is granted, she would like more time to try to find alternative accommodation.
6. The Applicants' position is that they used to live in the Property and retained the Property with the intention of allowing their children to live in the Property when attending university. The Applicants' oldest child now attends university in Dundee. The Applicants are suffering a financial strain because the cost of their child's accommodation exceeds the rental income from the Property. The Respondent has always been a good tenant and has operated the tenancy without any difficulty over the last 5 years. The Applicants now need to sell the Property to alleviate the financial burden on them. This is the only rental property owned by the Applicants. If an order is granted, the Applicants have no difficulty with the Respondent being allowed more time to find alternative accommodation.
7. The Ordinary Member of the Tribunal explained that if an eviction order is granted, the appeal period would have to elapse and then sheriff officers would have to serve a charge for removal before an eviction could take place. He explored with the parties whether an extension of the normal timescale could be agreed. The Respondent indicated that she wished more time and the Applicants agreed with that.
8. The Tribunal explained that it found the eviction ground established and that it was reasonable to grant an order for eviction. The parties were advised that the normal timeframe for an eviction taking place would be extended by 6 weeks.

Findings in Fact

9. The Applicants are the owners and landlords of the Property at 10 St. Mungos Crescent, Motherwell, ML1 4BB.
10. The Respondent is the tenant of the Property.

11. The tenancy in question is a private residential tenancy which commenced on 5 September 2021.
12. The Applicants served Notice to Leave on the Respondent by email on 7 October 2024.
13. The Applicants intend to sell the Let Property.

Reason for Decision

14. The Tribunal was satisfied that 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.
15. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD. The Applicants intend to sell the Property to alleviate the financial burden of supporting their adult child at university and the Applicants intend to cease activity as landlords. The Respondent did not oppose the application although she does not have alternative accommodation. She sought additional time to find accommodation.
16. On the basis of the documentary evidence and the submissions made at the CMD, the Tribunal determined that the ground of eviction is established. In light of the information provided by both parties, the Tribunal decided that it was reasonable to grant an order evicting the Respondent from the Property.
17. The Respondent has not yet secured alternative accommodation. She cannot afford another privately let property and has been in contact with the local authority but has not been offered alternative accommodation. The Tribunal exercised its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 6 weeks.

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.

Nicola Irvine

Legal Member/Chair

10 March 2026
Date