

Housing and Property Chamber
First-tier Tribunal for Scotland



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber)**

Chamber Ref: FTS/HPC/EV/25/2042

**Re: Property at 4 Townhead Cottages, Townhead Road, Newton Mearns, G77
6AG (“the Property”)**

Parties:

**Ms Jean Holland, 36 Westerlands Drive, Newton Mearns, Glasgow, G77 6YB
 (“the Applicant”)**

**Miss Carol Hewitt, 4 Townhead Cottages, Townhead Road, Newton Mearns,
G77 6AG (“the Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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

BACKGROUND

1. By lease dated 12 and 26 January 2019 the Applicant let the Property to the Respondent.
2. The start date of the tenancy was 26 January 2019.
3. A Notice to Leave dated 4 February 2025 was served upon the Respondent. The Notice to Leave intimated that the Applicant wished to recover possession of the Property as she wished to reside in it herself as her principal place of residence.

4. An application was forwarded to the Tribunal on 12 May 2025 seeking an order for eviction.
5. A Notice in terms of s11 of the Homeless Etc (Scotland) Act 2003 was intimated to the Local Authority.
6. An affidavit of the Applicant was provided to the Tribunal. The affidavit confirmed the intention of the Applicant to reside in the Property as her principal place of residence.

THE CASE MANAGEMENT DISCUSSION

7. Both Parties participated personally in the Case Management Discussion. The Applicant had expected a representative to attend on her behalf also but the representative did not join the Case Management Discussion. The Applicant, however, was content to proceed with the Case Management Discussion herself.
8. The Applicant moved the Tribunal to grant an order for eviction. She confirmed it is still her intention to reside within the Property as her principal place of residence.
9. The Respondent advised the Tribunal that she was not opposed to an order being granted. She did request, however, that if an order is granted that she be allowed sufficient time to enable her to secure alternative accommodation. She advised that she is unlikely to be able to afford private rented accommodation given the current level of rent being requested. She has engaged with her local authority with a view to securing social housing. She was advised, however, that she requires to await the grant of an eviction order prior to the local authority being able to assist her.
10. The Respondent is 54 years of age. At the commencement of the tenancy she resided at the Property together with her partner. Her partner no longer resides there. The Respondent resides at the Property alone, although she has a dog also. She has no health issues she considered relevant to the matter before the Tribunal. She is in employment near the Property although she would expect to be rehoused locally also.
11. The Applicant confirmed that, if an eviction order was granted, she would have no objection to the date of enforcement being deferred to afford the Respondent sufficient time to secure accommodation. The Respondent was of the view that being allowed until the end of April 2026 should be sufficient time to enable her to be allocated alternative accommodation. The Applicant was content with that.

12. In the circumstances, having regard to the agreed position of the parties and in the absence of any information being provided to the Tribunal to suggest that it was unreasonable to grant an order for eviction, the Tribunal granted an order for eviction, the earliest date upon which it can be enforced, if necessary, being 30 April 2026.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 4 of schedule 3 to said Act

Order not to be executed prior to 12 noon on 30th April 2026

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.

Virgil Crawford

9th February 2026

Legal Member/Chair

Date