



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/3767

Re: Property at 155 Castlemilk Road, Rutherglen, G44 4NA (“the Property”)

Parties:

Mr Sukhdev Lal, 0/1, 53 Bank Street, Paisley, PA1 1LP (“the Applicant”)

Ms Maria Danis, 155 Castlemilk Road, Rutherglen, G44 4NA (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Helen Barclay (Ordinary Member) (“the tribunal”)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) determined that the application for an order of eviction be granted.

Background

1. On 3 September 2025, the Applicant submitted an application to the First-tier Tribunal for Scotland. Subsequently, an amended application dated 25 September 2025 was submitted. The application sought an order of eviction on Ground 1, Part 3 of Schedule 3 of the 2016 Act.
2. On 27 October 2025, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 8 April 2026.

The case management discussion

4. Ms Dorota Janicka represented the Respondent who was also present.
5. The Applicant was not present.

Preliminary Matter

6. The tribunal considered whether it would be appropriate to dismiss the application because of the non-participation of the Applicant.
7. The tribunal noted that evidence had been submitted which was supportive of the ground for eviction.
8. The tribunal determined that it would be appropriate to hear what the Respondent's position was before considering whether the application should be dismissed.
9. The Legal Member explained the purpose of a case management discussion.

10. Findings in Fact

- (i) The Applicant owns the Property.
- (ii) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 1 March 2023.
- (iii) The tenancy commenced on 1 March 2023.
- (iv) The monthly rent due under the private residential tenancy is £525.
- (v) The Applicant intends to sell the Property.

11. Finding in Fact and Law

It is reasonable to grant the order of eviction.

12. Documents before Tribunal

- (i) Title Sheet to the Property (GLA19214)
- (ii) Private residential tenancy agreement dated 1 March 2023.
- (iii) Copy Notice to Leave dated 11 March 2025.
- (iv) Copy Section 11 intimation to local authority dated 2 September 2025.
- (v) Undated Formal offer for the Property.
- (vi) Sales schedule and property feedback report prepared by AVJ Homes.

13. The Law

Section 51 of the 2016 Act:

First-tier Tribunal's power to issue an eviction order

(1) The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

Ground 1, Part 3 of Schedule 3 of the 2016 Act

Landlord intends to sell

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

Determination of whether Ground 1 had been met

14. The tribunal was satisfied that the Applicant intends to sell the Property. The sales schedule and formal offer provided convincing evidence, notwithstanding that the Applicant had chosen not to attend to provide oral confirmation of his intentions.
15. The tribunal determined that Ground 1 had been met and that it required to consider if it was reasonable to grant the order of eviction and also, if it was appropriate to do so considering the failure of the Applicant to engage with the Tribunal process.

Reasonableness

16. Ms Janicka set out the Respondent's position. She explained that the Respondent is elderly. The private residential tenancy agreement had the Respondent's date of birth as 14 August 1952. She is 73 years old.
17. Ms Janicka said that the Respondent had made a housing application to South Lanarkshire Council, and also to various housing associations. She had been told that, given her needs, she would be treated with some priority but that nothing could progress until an order of eviction had been granted.
18. Ms Janicka gave some detail of the Respondent's health issues which have required support from friends and family in the past. She said that the eviction process has been very stressful for the Applicant.
19. Ms Janicka said that the Respondent lives alone in the Property which has two bedrooms and is too large for her.
20. Ms Janicka said that the Respondent is apprehensive about being evicted because of the uncertainty of where she would be housed but that she does not want to stay in the Property. Ms Janicka explained that the Respondent does not consider that the Applicant properly maintains the Property and that it is damp.
21. Ms Janicka said that the Applicant wants to increase the rent but the Respondent is unable to meet the cost of any rent higher than what she is paying.

Reasons for Decision

22. The tribunal was satisfied that the Notice to Leave was in appropriate terms and had been served on the Respondent. The tribunal was satisfied that the appropriate notice had been served on the local authority.

23. The tribunal was satisfied that the Applicant owns the Property and is therefore entitled to sell it, and intends to do so.
24. The tribunal required to consider whether or not the granting of an order of eviction was reasonable. It is a matter of judicial discretion and, in considering reasonableness, a balancing exercise requires to be undertaken.
25. The Applicant had demonstrated contempt for the Tribunal process by not attending the case management discussion. The tribunal considered whether, in those circumstances, it would be reasonable to grant the order or dismiss the application.
26. The Respondent, although apprehensive about her future, does not want to continue to stay in the Property. She has concerns about its condition, she considers it too large for her needs and she would be unable to meet any increased rent for it.
27. The Respondent has been active in seeking alternative housing and a decree for eviction will assist her in this regard.
28. The tribunal considered that it was reasonable to grant the order of eviction and in arriving at that determination, gave weight to the position of the Respondent.

Decision

29. The tribunal determined that the application should be granted and that an eviction order should be made.

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.

Martin J. McAllister
Legal Member
8 April 202