



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/25/3058

Re: Property at 1 Woodfield Avenue, Bishopbriggs, G64 1TN (“the Property”)

Parties:

Mrs Clare Campbell, 295 Wallacewell Road, Barlornock, Glasgow, G21 3RP (“the Applicant”)

Miss Cheryl Cosgrove, 1 Woodfield Avenue, Bishopbriggs, Glasgow, G64 1TN (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 21 May 2026.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant relied upon ground 1 as the ground for possession, stating her intention to sell the property.
- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place by teleconference on 20 April 2026 at 10am. The Tribunal gave

notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice along with a copy of the case papers was served upon the Respondent on 27 February 2026 and required her to submit any written representations in response to the application to the Tribunal by 19 March 2026. No written representations were received from the Respondent in advance of the CMD.

The CMD

- 3 The CMD took place by teleconference on 20 April 2026 at 10am. Both parties joined the call.
- 4 The tribunal had the following documents before it:-
 - (i) Form E application form;
 - (ii) Land certificate confirming the Applicant's ownership of the property and proof of the Applicant's landlord registration;
 - (iii) Private residential tenancy agreement;
 - (iv) Notice to leave and proof of delivery to the Respondent by email;
 - (v) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority.
- 5 The tribunal explained the purpose of the CMD and proceeded to hear submissions from the parties on the application. The following is a summary of the key elements of the submissions.
- 6 The Applicant explained that she intends to sell the property because it is no longer affordable. It is the only rental property that she owns. An estate agent has recently attended the property to carry out a valuation. The property will need some work before being put on the market but should be advertised for sale within 2 months.
- 7 The Respondent did not dispute the Applicant's submissions. She does not want to oppose the eviction order. She lives in the property with her children aged 23 and 14. She is seeking rehousing in the social rented sector but cannot move forward with this until an eviction order is granted. She is preparing to move out. The situation has caused some stress given the time it has taken to get to this stage.

Findings in fact and law

- 8 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 9 The Applicant has given the Respondent a notice to leave within the meaning of section 62 of the 2016 Act. The notice to leave includes ground 1. The notice to leave was sent to the Respondent by email on 8 January 2025. The Respondent consented to the use of email for the delivery of notices under the terms of the tenancy agreement.

- 10 The Applicant has given the local authority a section 11 notice at the time of making this application.
- 11 The Applicant is entitled to sell the property as the registered owner.
- 12 The Applicant intends to sell the property, or market the property for sale, within three months of the Respondent ceasing to occupy it.
- 13 The property is no longer financially viable for the Applicant. The property is the only rental property the Applicant owns.
- 14 The Respondent does not oppose the eviction order. The Respondent resides with her two children aged 23 and 14. The Respondent is seeking rehousing in the social rented sector. The Respondent cannot progress her application for housing with the local authority until an eviction order is granted.
- 15 It is reasonable to make an eviction order.

Reasons for decision

- 16 The tribunal was satisfied that it could make relevant findings in fact to reach a decision on the application based on the documentary evidence and submissions from the parties at the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had not sought to oppose the application and as such there was no contradictory evidence before the tribunal.
- 17 Section 51 of the 2016 Act provides that "*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.*"
- 18 Section 52 of the 2016 Act goes on to state that "*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.*" The tribunal had before it a copy of a notice to leave in the prescribed form that had been sent to the Respondent which cites ground 1 of schedule 3 of the 2016 Act. The tribunal was also satisfied that the Applicant had sent a section 11 notice to the local authority in accordance with the requirements of section 56 of the 2016 Act.
- 19 The tribunal considered the terms of ground 1, which are contained in paragraph 1 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.”

- 20 The tribunal determined based on the documents before it and the submissions from the Applicant at the CMD that she is entitled to sell the property as the registered owner, and intends to do so within three months of the Respondent vacating. Whilst the Applicant had not provided documentary evidence in support of the eviction ground, the tribunal accepted her submissions at the CMD regarding her reasons for selling the property and the action she had taken in terms of obtaining a valuation, which were not disputed by the Respondent.
- 21 The tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.
- 22 The tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraphs 1(2)(c) of schedule 3 of the 2016 Act.
- 23 The tribunal considered the Applicant's property rights as the heritable owner, and her reasons for selling the property.
- 24 The tribunal carefully considered the Respondents' circumstances. Whilst the general impact of eviction upon the Respondent and her family is a cause for concern, ultimately she does not oppose the eviction order. It was clear from her submissions at the CMD that she is ready to move on and progress her application for social housing, which she cannot do in the absence of the order.
- 25 Accordingly, having carefully considered all the circumstances of this case as they pertain to reasonableness in terms of ground 1, the tribunal concluded that the balance weighed in favour of making an eviction order. The tribunal therefore determined that the provisions of paragraph 1 of schedule 3 of the 2016 Act had been met and made an eviction order under section 51 of the 2016 Act.
- 26 The decision of the tribunal was unanimous.

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.

R O'Hare

20 April 2026

Legal Member/Chair

Date