



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

**Chamber Ref: FTS/HPC/EV/25/2644**

**Property at Flat 0/1 206 Dalmarnock Road, Glasgow, G40 4DD (“the Property”)**

**Parties:**

**Ms Ann Feeney, 65 Springboig Road, Glasgow, G32 0DB (“the Applicant”)**

**Ms Sharon Wylie, Flat 0/1 206 Dalmarnock Road, Glasgow, G40 4DD (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (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 an eviction order should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, evidence of the intention to sell and a section 11 notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 10 June 2026 at 2pm and they were required to participate. Prior to the CMD the Applicant lodged written submissions and further documents, including a quote for repair work required at her own home and demand from HMRC which had been sent to her son.

3. The CMD took place on 10 June 2026. The Applicant participated and was represented by Mr Aiton. The Respondent did not participate and was not represented.

### **Summary of Discussion at CMD**

4. The Legal Member noted that the application had been served personally on the Respondent by Sheriff Officer and that she has not been in contact with the Tribunal. The Applicant confirmed that the Respondent is still living at the property. The letting agent contacted her in May 2026. She indicated that she was unaware of the forthcoming CMD and said that she had contacted the Local Authority and was waiting to be re-housed by them. In response to questions from the Tribunal the Applicant said that the Respondent is about 46 years of age and lives at the property alone. She is not working but is believed to be in receipt of benefits. Her rent is up to date and there are no tenancy related issues. The Applicant also said that she has no option but to sell the property so that she can carry out essential repairs to her home and assist her son. She is only able to work part time at the moment because of mental health issues and cannot afford the house repairs without selling the property.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Applicant intends to sell the property to raise some money to carry out essential repairs at her own home and to assist her son with financial problems.
8. The Respondent did not participate in the CMD or notify the Tribunal if the application is opposed.
9. The Respondent resides at the property alone. She has advised the Applicant's letting agent that she has contacted the Local Authority about being re-housed.
10. The Applicant served a Notice to leave on the Respondent on 20 March 2025.

### **Reasons for Decision**

11. The application was submitted with a Notice to Leave dated 20 March 2025 together with a copy email which establishes that it was sent by email to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The

Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.

12. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
13. Ground 1 of schedule 3 (as amended) states, “(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.”
14. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.
15. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
  - (a) The Respondent did not participate in the CMD and her position in relation to the application is not known. She has not indicated if it is opposed.
  - (b) The Applicant wants to sell the property to address financial difficulties. The Applicant’s home requires costly repairs, and the Applicant wants to assist her son with financial problems.
  - (c) The Respondent lives at the property alone and is understood to have approached the Local Authority for alternative accommodation.
16. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 15, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

## **Decision**

17. The Tribunal determines that an eviction order should be granted against the Respondent.

## **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.**

**Josephine Bonnar, Legal Member**

**10 June 2026**