



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/25/5529

Re: Property at 2 , 1/2 Craigo Street, Glasgow, G23 5PR (“the Property”)

Parties:

Mr Alex Murphy, 72 , 2/1 Balcarres Avenue, Glasgow, G12 0QG (“the Applicant”)

Ms Colette Young, 2 , 1/2 Craigo Street, Glasgow, G23 5PR (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Elizabeth Williams (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 with execution of the order suspended for a period of two months.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 27 July 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 of schedule 3 of the 2016 Act, stating his 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 on 26 June 2026 at 2pm. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 27 May 2026 and required the Respondent to make written representations in response to the application no later than 16 June 2026.

- 3 No written representations were received from the Respondent in advance of the CMD.

The CMD

- 4 The CMD took place by teleconference on 26 June 2026 at 2pm. Miss Amanda Currie of Cairn Letting represented the Applicant. The Respondent also joined the call.

- 5 The tribunal had the following documents before it:-

- (i) The application form with supporting documents, including private residential tenancy agreement between the parties, notice to leave and proof of delivery to the Respondent, notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority, rent statement, rent increase notices, written mandate from the Applicant authorising Cairn Letting to represent him, and email from Countrywide Estate Agents accepting the Applicant's instructions to market and sell the property.
- (ii) Land Certificate confirming the Applicant's ownership of the property and proof of the Applicant's landlord registration.

- 6 The tribunal heard submissions from the parties on the application. The following is a summary of the key elements of the submissions.

- 7 Miss Currie spoke to the Applicant's reasons for selling the property, namely to purchase a home for himself after returning from living abroad for several years. The Applicant plans on carrying out some renovations before marketing the property for sale and has obtained quotations for the works to progress same once the property is vacant. The Applicant is confident that the property will be on the market within three months. Miss Currie confirmed that the property is the only rental property the Applicant owns.

- 8 The Respondent did not dispute the Applicant's intention to sell the property. She is self-employed and cannot afford another private rental property in the area. She has explored purchasing a property, but this is not financially viable. She resides in the property with her two sons, aged 17 and 21. Her brother and sister-in-law live nearby. The Respondent would prefer to stay in the property but accepts the Applicant's intent to market the property for sale. The Respondent takes medication for anxiety. The Respondent plans on presenting as homeless to the council. She has spoken to the council who have advised that she cannot do so until she has an eviction order. In response to questions

from the tribunal, the Respondent advised that she was not seeking any additional time to vacate the property.

- 9 The tribunal adjourned the CMD to deliberate, at which point the parties left the call, before resuming the proceedings and confirming the outcome.

Findings in fact and law

- 10 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 11 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 emailed to the Respondent on 1 August 2025. The Respondent consented to the delivery of notices by email under the terms of the tenancy agreement between the parties.
- 12 The Applicant has given the local authority a section 11 notice at the time of making this application.
- 13 The Applicant is entitled to sell the property as the registered owner.
- 14 The Applicant intends to sell the property, or market the property for sale, within three months of the Respondent ceasing to occupy it.
- 15 The Applicant requires to sell the property. The Applicant has recently returned from living abroad for several years. The Applicant requires the sale proceeds to purchase a new home in the UK. The Applicant has no other rental properties.
- 16 The Respondent is self-employed. The Respondent resides in the property with her two sons, aged 17 and 21. The Respondent has resided in the property since 2018 and her brother and sister-in-law live nearby. The Respondent suffers from anxiety.
- 17 The Respondent intends to present as homeless to the council to secure rehousing. The Respondent cannot do so until the tribunal makes an eviction order.
- 18 It is reasonable to make an eviction order.

Reasons for decision

- 19 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.

20 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.*”

21 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.

22 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.”

23 The tribunal determined based on the documents before it and the submissions from the parties at the CMD that the Applicant is entitled to sell the property as the registered owner and intends to do so within three months of the Respondent vacating. There was no contradictory evidence before the tribunal.

24 The tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.

25 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.

26 The tribunal considered the Applicant’s property rights as the heritable owner, and his reasons for selling the property. The tribunal gave weight to the current

circumstances of the Applicant, and his need to sell the property to purchase a home after returning from abroad.

- 27 The tribunal also considered the Respondent's circumstances as reflected in its findings in fact. However, ultimately the tribunal gave most weight to the fact that the Respondent did not present any opposition to the application. She had accepted the Applicant's intention to sell the property and had actively explored options for rehousing. The tribunal noted that she had ultimately decided to present to the council as homeless and could not do so until the tribunal made an eviction order.
- 28 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.
- 29 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.

Ruth O'Hare

26 June 2026

Legal Member/Chair

Date