



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4107

Re: Property at 1/1, 16 Langside Road, Govanhill, G42 7AG (“the Property”)

Parties:

Ross Martin, 9 Kinmount Avenue, Glasgow, G44 4RR (“the Applicant”)

Aidan Jay Brown, 1/1, 16 Langside Road, Govanhill, G42 7AG; Flat 2/2, 1393b Gallowgate, Glasgow, G31 4EX (“the First Respondent”)

Sean Blair Halket, Flat 2/2, 1393b Gallowgate, Glasgow, G31 4EX, (“the Second Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs S Hesp (Ordinary Member)

Decision (in the absence of the Second Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 19th November 2019, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. The First Respondent lodged written representations on 26th March 2026, including notification that the Second Respondent left the Property in December 2023.
3. By email dated 30th March 2026, the Tribunal contacted the Applicant representative and requested an address for service upon Mr Halket as a matter of urgency.

4. By email dated 1st April 2026, the Applicant representative stated that it was the Applicant's position that service had been properly made upon Mr Halket by serving at the Property as the joint tenancy had not been brought to an end, and the Applicant was entitled to rely upon the Property address as being Mr Halket's residence for the purpose of the application.
5. A Case Management Discussion ("CMD") took place by telephone conference on 27th April 2026. The Applicant was not in attendance and was represented by Ms Wooley, Solicitor. The First Respondent was in attendance. The Second Respondent was not in attendance. The CMD was continued to allow the Applicant representative to provide an address for the Second Respondent.
6. By email dated 18th June 2026, the Applicant representative provided an address for the Respondent.
7. An initial attempt at service upon the Second Respondent was unsuccessful.
8. Service upon the Second Respondent was carried out by Sheriff Officer on 13th August 2026.

The Case Management Discussion

9. A Case Management Discussion ("CMD") took place by telephone conference on 17th August 2026. The Applicant was not in attendance and was represented by Ms Wooley, Solicitor. The First Respondent was in attendance. The Second Respondent was not in attendance.
10. The Tribunal considered the terms of Rule 29 of the Tribunal's Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Second Respondent.
11. Ms Wooley said the Applicant is seeking an order as he no longer wishes to be a landlord. The Applicant is selling his portfolio of properties one at a time. There is a mortgage on the Property and the proceeds will be used to clear the mortgage and to supplement the Applicant's savings.
12. Responding to questions from the Tribunal as to whether a new tenancy had been put in place, as stated in a written representation from the First Respondent, Ms Wooley confirmed this had been proposed by the Applicant, but it had not happened.
13. The First Respondent said he was not opposing the order but would wish to remain in the Property until he and his partner can secure social housing. They have been on the social housing list for years. They have been told to contact the local authority with the outcome of the CMD. The First Respondent confirmed, as stated in written representations, that he and his

partner considered social housing would be more affordable. There is currently a proposal to increase the rent on the Property which has been challenged by the First Respondent. A decision by the rent officer has been appealed by the Applicant.

14. The First Respondent confirmed no children are living in the Property. The First Respondent and his partner are in employment. The First Respondent will be commencing training for a new job at the beginning of September. The First Respondent has some health needs that require attendance at a local healthcare facility from time to time. The First Respondent and his partner are seeking social housing in the Southside of Glasgow.
15. Responding to questions from the Tribunal regarding whether the First Respondent was seeking a delay in enforcement of an eviction order if granted, the First Respondent said it would be of assistance, particularly given his changing employment situation in September.
16. Ms Wooley submitted that granting the order may assist the First Respondent to secure social housing.
17. Ms Wooley submitted that any delay in enforcement should be kept as short as possible, as the notice to leave was served in May 2025. This meant the First Respondent had sufficient time to secure alternative housing.

Findings in Fact and Law

18.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 19th November 2019.
 - (ii) Notice to leave has been served upon the Respondents.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

19. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for

market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

20. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
21. The Applicant no longer wishes to be a landlord. The Applicant is selling his property portfolio in order to move on from being a landlord.
22. The Second Respondent does not live in the Property and has not done so since December 2023. The Second Respondent did not see fit to make any representations or attend the CMD to put forward any reason why an order should not be granted.
23. The First Respondent is not opposing the order. The First Respondent wishes to secure social housing as this will be more affordable for him and his partner.
24. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order to 31st October 2026, given the First Respondent's changing employment situation.
25. The Tribunal considered some of the delay in the progression of the application could have been avoided if an address had been provided for the Second Respondent at the time of making the application.

Decision

26. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 31st October 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.

H Forbes

Legal Member/Chair

17th August 2026
Date