



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/26/1232

Re: Property at 54 Kingston Road, Kilsyth, Glasgow, G65 0HP (“the Property”)

Parties:

Mr Peter Marshall, Mrs Leslie Marshall, 9 Coach Close, Kilsyth, G65 0QB (“the Applicants”)

Mr Stewart John Marthinsen, 54 Kingston Road, Kilsyth, Glasgow, G65 0HP (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- **Background**
 1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicants’ intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).

- Case Management Discussion
2. A Case Management Discussion (“CMD”) took place on 27 July 2026 by telephone call. The Applicants appeared personally and were represented by Mr Aiton, of Sinclair Services. The Respondent appeared personally and represented himself.
 3. The Applicants’ representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement (“the Agreement”), which commenced 6 November 2020. The Applicants intended to sell the Property and required vacant possession in order to do so. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 18 December 2025. The Applicants wished to commence plans for retirement and required to sell the Property to manage their own financial position. The Property was no longer financially viable to rent out. They had instructed the Property Bureau to act in the sale of the Property in due course.
 4. It was submitted that there had been non-payment of rent by the Respondent with arrears of £3195 now due and nothing paid since February 2026. The Respondent had refused access to the Property for inspection, and a Right of Entry application had been submitted to the tribunal and which was pending. There had been a history of antisocial behaviour by the Respondent. Copy text message sent by the Respondent to the Applicants in which he made threats against them, had been lodged. It was submitted that the Applicants own three properties which are rented out and wish to sell this Property first, as the stress being caused to them due to the behaviour of the tenant was affecting their wellbeing. They are starting to wind down towards their retirement and wish to eventually sell all three of the properties.
 5. The Respondent submitted that the relationship with the landlords had been fine until last year. There had been an issue caused by the Respondent having two broken down vans in the car park and the Applicants requiring these to be moved. It was submitted that the Respondent had carried out works in the Property, including replacement of carpets, vinyl, and floorboards. It was submitted that the first-named Applicant had behaved aggressively towards the Respondent during inspections to the Property. The Respondent had refused the first-named Applicant access to the property due to his aggressive behaviour. The Respondent was a carer for his elderly mother, following the death of his father. It was submitted that when the Respondent told the first-named Applicant that he would not leave the Property, the Applicant stated that he would obtain an eviction order on the ground of sale of the Property. The Respondent admitted that rent had not been paid since January 2026, but disputed the amount stated as being due. His income comprises solely of benefits. The Respondent submitted that he had obtained advice from Shelter and Help for Heroes and had been advised that he should not move out of the Property until an eviction order was granted. He had not yet taken any steps to look for alternative accommodation. The Respondent apologised for the text messages and submitted that he was suffering from PTSD and had turned to alcohol due to the stress of the death of his father and becoming carer for his mother.
 6. The following documents were lodged alongside the application:

- (i) Copy Private Residential Tenancy Agreement
- (ii) Copy Notice to Leave
- (iii) Proof of service of the Notice to Leave by recorded delivery
- (iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
- (v) Letter from the Property Bureau confirming instruction re appraisal of the Property for marketing for sale
- (vi) Copy text messages from Respondent to Applicant

- Findings in Fact

7. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 6 November 2020;
- (ii) The Applicants are the heritable proprietors of the Property;
- (iii) The Applicants are entitled to sell the Property;
- (iv) The Applicants have served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;
- (v) The Applicants have provided a letter of engagement from an estate agent regarding the marketing of the Property.

- Reasons for Decision

8. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicants intend to sell the Property and intend to do so within 3 months of the Respondent ceasing to occupy it. The Tribunal was satisfied that a Notice to Leave had been served on the Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act. The Tribunal noted the ancillary issues relating to antisocial behaviour and rent arrears. The Respondent did not dispute that he had sent threatening text messages, nor did he dispute that rent had not been paid for some months (albeit the exact amount owed was disputed). Whilst the only ground of repossession being relied upon in the application was Ground 1, the Tribunal was satisfied that in all the circumstances, it was reasonable for the Order to be granted. The Tribunal was satisfied that the Applicants were suffering from distress due to the behaviour of the Respondent and the breakdown of the landlord and tenant relationship. The Tribunal was satisfied that the Applicants wished to commence sale of their let properties in order to prepare for their retirement, their both being in their 60s.

- Decision

9. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Fiona Watson

Legal Member/Chair

Date: 27 July 2026