



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/26/1413

Re: Property at 40 Boswell Drive, Blantyre, G72 0BL (“the Property”)

Parties:

Mr Edward Oloughlin, 150 Netherlee Road, Glasgow, G44 3QA (“the Applicant”)

Ms Catherine Park, 40 Boswell Drive, Blantyre, G72 0BL (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 6th March 2026. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on Ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016 (namely, the Applicant intends to sell the Property).
2. On 12th August 2026, sheriff officers served the letter with notice of the hearing date and case documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation. No representations were received.

The Case Management Discussion

3. A CMD was held on 17th September 2026 at 2 pm by teleconference. The Applicant was present and was represented by Ms Donna Stewart of Igloo

Estate Agents. The Respondent, Ms Park, attended personally, supported by her daughter.

4. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters.
5. The Applicant's representative confirmed that her client wished the order for eviction to be made in order that it can be sold. The Applicant wishes to retire and has divested himself of his property portfolio, with this being the remaining one to be sold. The Applicant confirmed that he had previously had 14 properties, this was the remaining property. He added that whilst Ms Park had generally been a good tenant, there were some arrears. When questioned by the legal member as to why the tenancy had been changed from a short assured tenancy in September 2025, only for a notice to leave to be served in November 2025, the Applicant said this was an upgrade to the tenancy contract and was made on the advice of Igloo Estate Agents. Ms Stewart confirmed that this was the advice they provided, as there had been discussions that they would take on the letting of the Property. She confirmed that whilst the tenancy agreement had been provided to Ms Park, she had not been advised to seek her own advice.
6. The Respondent said that she was not opposing an order being granted. She is in discussions with the local authority about rehousing. She advised that the local authority was awaiting the outcome of today's hearing. She said the property is not in good condition and that she is keen to leave to obtain security of tenure. She said that she was making regular payments to a previous arrears balance and understands that she should continue to pay rent to the Applicant.

Findings in Fact

7. The Applicant is the heritable proprietor and registered owner of the Property.
8. A Private Rented Tenancy Agreement commenced 15th September 2025. Before that, an assured tenancy was in place which had commenced on 1st July 2017.
9. The Applicant instructed Sheriff Officers to serve a Notice to Leave dated 28th November 2025. The Notice was served on the Respondent on 5th December 2025. The Notice became effective on 2nd March 2026.
10. The Notice informed the Respondent that the Applicant sought recovery of possession under Ground 1 of Schedule 3 to the 2016 Act.
11. The Notice was in the prescribed form and the Respondent received the requisite notice period under the 2016 Act.
12. The Respondent is not opposed to the granting of an order. The Respondent is actively seeking alternative accommodation.

Reasons for the decision

13. The Tribunal considered the terms of Ground 1, which are contained in paragraph 1 of Schedule 3 of the 2016 Act, which 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.

(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.”

14. The Tribunal accepted the Applicant's evidence that he had disposed of the remainder of his property portfolio and intended to retire from the private rented sector. The Tribunal was satisfied that this demonstrated a genuine intention to sell the Property within three months of the Respondent ceasing to occupy it. The Respondent did not dispute this.

15. The Tribunal therefore determined that paragraphs 1(2)(a) and 1(2)(b) of Schedule 3 of the 2016 Act were met.

16. The Tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraph 1(2)(c) of Schedule 3 of the 2016 Act.

17. The Tribunal considered the Applicant's property rights as the heritable owner of the Property, which entitle him to dispose of it as he sees fit. The Tribunal also considered the Applicant's reasons for selling the property, namely, to remove himself from the private rental sector as he no longer wishes to be a landlord.

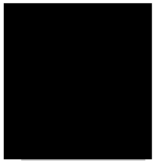
18. The Tribunal was also satisfied that the Respondent did not oppose an eviction order being granted in favour of the Applicant, as this would facilitate progress of her housing application with the local authority. In all of the circumstances, the Tribunal was satisfied that it was reasonable to grant an eviction order.

Decision

19. The Tribunal grants an Eviction Order against the Respondent in favour of the Applicant in terms of Ground 1 of Schedule 3 of the 2016 Act.

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.



Legal Member/Chair

17th September 2026

Date