



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/26/1778

Re: Property at 15E Gladstone Street, Hawick, TD9 0HY (“the Property”)

Parties:

Mr Robert Roffey, 69 Lilac Wynd, Cambuslang, Glasgow, G72 7GH (“the Applicant”)

Ms Kara Dalglish, 15E Gladstone Street, Hawick, TD9 0HY (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Nicholas Allan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 20 April 2026, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Respondent and Mima Investments, which commenced on 28 September 2018 at a rent of £370 per month, and a Notice to Leave dated 21 January 2026 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 18 April 2026. The Applicant also provided the Tribunal with a copy of a letter of engagement of 22 April 2025 with Lowrie Property Ltd, estate agents, in relation to the sale of the Property.
3. On 8 August 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make

written representations by 29 August 2026. The Respondent did not make any written representations to the Tribunal.

4. On 28 September 2026, the Respondent's solicitors made further submissions to the Tribunal. These comprised a series of photographs of mail lying in the entrance hall and bearing to have been posted in June 2026, foodstuffs in the fridge in the Property, all of which were many months past their use-by date, and a Rent Statement showing arrears as at 23 September 2026 of £1,146.67, with no rent having been paid since 20 April 2026. It appears that the rent is now £498.64 per month.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 30 September 2026. The Applicant was represented by Mr John Rodger of Cullen Kilshaw, solicitors, Galashiels. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that it appears the Respondent is no longer living in the Property. A welfare check carried out recently had involved breaking down the entrance door, which the Applicant had then replaced. As a result, he had access to the Property and had taken the photographs of the correspondence and the contents of the fridge on 25 September 2026. The rent for the Property is insufficient to meet the Applicant's monthly mortgage payments as the interest rate has gone up and, with the rent also now being in arrears, he requires to sell the Property as soon as possible. Mr Rodger's understanding was that the Respondent occupied the Property on her own, with no dependants, and that she is currently living with her mother.

Reasons for Decision

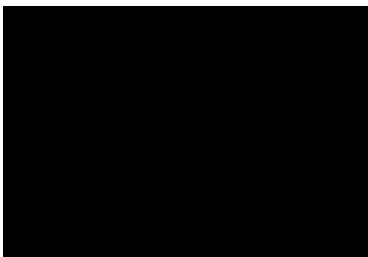
7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the 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 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a

letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

10. The Tribunal noted that the Applicant purchased the Property with an entry date of 18 January 2019, so acquired it with the Respondent *in situ*.
11. The Tribunal was satisfied from the letter of engagement and the submissions of the Applicant's representative, that the Applicant intends to sell the Property as soon as possible after he obtains vacant possession. The only issue for the Tribunal to decide, therefore, was whether it would be reasonable to issue an Eviction Order on account of that fact.
12. The Tribunal noted that the Respondent appears no longer to be occupying the Property as her home and that the Applicant's mortgage payments exceed the monthly rent, which is also in arrears.
13. The Tribunal, having considered carefully all the evidence before it, decided that it would be reasonable to issue an Eviction Order.
14. The Tribunal's decision 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.



Legal Member/Chair

30 September 2026

Date