

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/23/3430**

**Re: Property at Flat 3/1, 86 Cartside Street, Glasgow, G42 9TG (“the Property”)**

**Parties:**

**SLM Property Ltd, 58 High Craighall Road, Glasgow, G4 9UD (“the Applicant”);  
and**

**Mr Kris McGeechan, residing at Flat 3/1, 86 Cartside Street, Glasgow, G42 9TG  
 (“the Respondent”);**

**Tribunal Members:**

**G McWilliams- Legal Member  
G Darroch - Ordinary Member**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determine as follows:**

**Background and Case Management Discussion on 27<sup>th</sup> February 2024**

1. The Application has been brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call, at 10.00am on 27<sup>th</sup> February 2024, in respect of this Application. Ms A. Dow, the Applicant’s director attended. The Respondent Mr Kris McGeechan and his father Mr John McGeechan attended. Mr John McGeechan acted as Mr Kris McGeechan’s representative.

3. Ms Dow referred to the Application and stated that her company wishes to carry out refurbishment of the whole Property, in particular replacement and relocation of the kitchen. She said that, given the extent of works, which will likely require a Building Warrant, it would be impracticable for Mr McGeechan to remain resident there. She stated that once the Property is refurbished the company intend to re-let it with a monthly rental of £800/850.00. She said that her company had had no issues with Mr McGeechan regarding the tenancy and that his rent was up to date. Ms Dow said that the company would be agreeable to delaying recovery of possession of the Property, and carrying out the proposed works, for a few months to allow Mr McGeechan time to obtain alternative accommodation.
4. Mr John McGeechan stated that his son Kris McGeechan had been looking for alternative accommodation and was on Housing Association waiting lists. He said that he and his family are finding it difficult to obtain accommodation for their son, who is now aged 35. He said that his son has had some health difficulties but is doing well. Mr McGeechan stated that his son and his family acknowledge that Ms Dow's company are entitled to refurbish the Property which they had bought from his son's previous landlord around 3 years ago. He said that his son resided in the Property for around 8 years prior to its change of ownership. Mr John McGeechan stated that his son and his family require more time to obtain an alternative tenancy and suggested that his son be allowed 3 or 4 months to do so. Mr McGeechan stated that his son would not be able to pay rent of £800/850.00 per month and said that his son was looking to find a new tenancy with a monthly rental amount in line with his current rental of £500.00 per month in respect of the Property.

### **Findings in Fact and Law and Reasons for Decision**

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal may issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (2) to the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let Property.
7. Having Tribunal considered all of the Application papers and the submissions of Ms Dow and Mr John McGeechan the Tribunal noted that they were in agreement that the Ms Dow's company are going to refurbish the Property and carry out substantial works in doing so, and that Mr Kris McGeechan should be allowed a suitable period of time within which to progress his applications for alternative housing and hopefully obtain another tenancy. Having considered matters the Tribunal found that it was reasonable that a period of just over 3 months be allowed for Mr Kris McGeechan to obtain alternative accommodation and, accordingly, decided that it was reasonable, in all the circumstances, that an eviction order be granted which will not be capable of being enforced before 12 noon on Monday 3<sup>rd</sup> June 2024. The Tribunal informed Ms Dow and Mr Kris McGeechan and Mr John McGeechan of their decision verbally at the

conclusion of the CMD and they both agreed that this was fair and reasonable. Ms Dow confirmed that her company would not increase the monthly rental amount due, of £500.00, before 3<sup>rd</sup> June 2024. Mr John McGeechan said that if Mr Kris McGeechan obtains an alternative tenancy before 3<sup>rd</sup> June he will let Ms Dow and her company know.

### **Decision**

8. The Tribunal therefore make an eviction order as sought in this Application.

### **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.**

**G McWilliams**

**G McWilliams**

**Tribunal Legal Member**

**27<sup>th</sup> February 2024**

**Date**