



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/24/3524

Property : 34 Emerson Road, Bishopbriggs, Glasgow G64 1QH (“Property”)

Parties:

Grant James Maxwell, 0/1, 55 Madras Street, Glasgow G40 1LF (“Applicant”)

TC Young, Solicitors, 7 West George Street, Glasgow G2 1BA (“Applicant’s Representative”)

Anna Connor, 34 Emerson Road, Bishopbriggs, Glasgow G64 1QH (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 1 October 2021; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 3 May 2024 (“Notice to Leave”); sheriff officer certificate of service evidencing service of the Notice to Leave on 3 May 2024; letter from McGregor MacLeod, solicitors dated 16 April 2024 confirming the instruction to sell the Property and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 1 August 2024.

Case Management Discussion

A CMD took place before the Tribunal on 11 March 2025 by teleconference. The Applicant was in attendance along with Simone Callaghan of the Applicant’s Representative. There was no appearance by the Respondent.

Ms Callaghan told the Tribunal that there had not been recent contact with the Respondent. The Applicant said he had spoken with her a month ago but the CMD had not been mentioned.

Ms Callaghan told the Tribunal that she understood the Respondent was in touch with East Dunbartonshire Council about alternative accommodation and they had told her that an eviction order would assist her application. Ms Callaghan told the Tribunal that the Respondent lives in the Property with her partner and her adult son who's marriage has broken down. She said that the Respondent's grandchild visits. She said the Property is a one bedroom property and is not suitable for the Respondent's current needs. She said the Respondent is not working and is in receipt of universal credit, housing benefit and disability allowance. She said that the rent is not in arrears.

Ms Callaghan told the Tribunal that the Applicant does not own other rental properties. She said that he and his partner are aged 32 and wish to sell the Property and their current home in order to buy a new property and start a family. She said the Applicant wishes to move from his current location as there have been instances of anti-social behaviour in the area with frequent police attendance.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 1 October 2021.
2. A Notice to Leave was served on the Respondent by sheriff officer on 3 May 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 27 July 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 on 1 August 2024.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, 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 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a letter from McGregor MacLeod, solicitors dated 16 April 2024 confirming the instruction to sell the Property. The Tribunal considered the evidence provided and determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from Ms Callaghan. In the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

Joan Devine

**Joan Devine
Legal Member**

Date : 11 March 2025