

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/24/3191

**Re: Property at 20 Kincardine Drive, Bishopbriggs, Glasgow, G64 1NN (“the
Property”)**

Parties:

**Ms Sheila Fitzpatrick, 39 Lewisvale Court, Mussleburgh, EH21 7HL (“the
Applicant”)**

**Ms Caroline Dilworth, 20 Kincardine Drive, Bishopbriggs, Glasgow, G64 1NN
 (“the Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an order for eviction.**

Background

1. By application submitted on 10 October 2024 the applicant seeks an order for eviction relying on ground 1 in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord intends to sell the property).
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to leave with proof of service
 - Section 11 notice with proof of delivery
 - Correspondence from Slater Hogg & Howison regarding sale of the property
3. A case management discussion (“cmd”) was assigned for 3 April 2025.

Case management discussion – 3 April 2025- teleconference

4. Both parties were in attendance. The applicant sought an order for eviction. She stated that her intention remained to sell the property. She stated that she had previously resided in the property and had rented it out after she moved out. However, she no longer wished to retain the property and had decided to sell.
5. The respondent stated that she did not oppose an order for eviction being granted under ground 1. The respondent stated that she is employed in early years childcare. She resides in the property with her 2 children. She stated that she hoped to obtain alternative accommodation.
6. The Tribunal sought parties' views on whether an extension to the usual period before enforcement of the order was sought. The respondent stated that she did not seek any extension to the usual period.

Findings in fact and law

7. Parties entered into a private rented tenancy agreement with a commencement date of 6 September 2021.
8. The applicant is the sole owner of the property.
9. The applicant intends to sell the property.
10. The respondent is employed in early years childcare.
11. The respondent has been actively seeking alternative accommodation since notice to leave was served.
12. The respondent resides with her 2 young children
13. The respondent is not opposed to an order for eviction being granted.

Reasons for the decision

14. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

- (i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and
- (ii) to do so will not be contrary to the interests of the parties; and
- (b) must make a decision without a hearing where the decision relates to—
 - (i) correcting; or
 - (ii) reviewing on a point of law,
 a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

15. The Tribunal was satisfied that having regard to the undisputed facts of the case it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

16. Ground 1 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.

17. The Tribunal accepted the evidence provided by the applicant at the cmd and supported by the email from Slater Hogg & Howison that the applicant intended to sell the property. This was not disputed by the respondent.
18. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
19. The Tribunal determined that the applicant had a genuine intention to sell the property. In light of the respondent's lack of opposition to the order being granted the Tribunal found that it was reasonable to grant the order.

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.

Mary-Claire Kelly

Legal Member/Chair

3 April 2024
Date
