

**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/24/3297

Re: Property at Flat 1/2 88 Balcarres Avenue, Glasgow, G12 0QN ("the Property")

Parties:

**Mrs Janice Jones, 4 Canniesburn Quadrant, Glasgow, G61 1RW
("the Applicant")**

**Jayda Puren, Flat 1/2 88 Balcarres Avenue, Glasgow, G12 0QN and Amy
Moorhead, Flat 2/2 200 Deanston Drive, Glasgow, G41 3JU
("the Respondents")**

Tribunal Members:

Gillian Buchanan (Legal Member) and Mary Lyden (Ordinary Member)

Decision

A Case Management Discussion ("CMD") took place by telephone conference on 2 April 2025. At the CMD the Applicant was in attendance and was represented by her son, Mr Graeme Jones. The First Respondent was not present but was represented by Ms Luisa Fidelo of Legal Services Agency Limited. The Second Respondent was present.

Prior to the Hearing Ms Fidelo on behalf of the First Respondent lodged written submissions by email dated 24 March 2025.

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondents in terms of a Private Residential Tenancy Agreement ("the PRT") that commenced on 24 May 2021.
- iii. On 16 April 2024, the Applicant served on the Respondents by email and by hand a Notice to Leave requiring the Respondents remove from the Property by 17 July 2024.
- iv. The Notice to Leave proceeds upon Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- v. The Applicant's intention to sell the Property is evidenced by the involvement of Corum West End Enquiries which valued the Property for the Applicant on 24 July 2024.

- vi. The Second Respondent has already vacated the Property.
- vii. The First Respondent remains in occupation.
- viii. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- ix. The Applicant seeks an eviction order.

The CMD

At the outset of the CMD the Tribunal noted in particular the First Respondent's consent to an eviction order being granted and her request that the Tribunal suspend enforcement of such an order for a period of 3 months.

In light thereof, the Tribunal sought to clarify the other parties' positions.

After brief discussions, Mr Jones for the Applicant confirmed that an eviction order is still sought by the Applicant as she needs the Property back as soon as possible but that she would consent to the order being suspended for a period of 3 months to 2 July 2025.

The Second Respondent stated that she vacated the Property in March 2024 and in a "formal capacity" in May 2024. She referenced her ongoing liability for payment of rent in terms of the PRT but confirmed she had no objection to an eviction order being granted and that she was also agreeable to the order being suspended for 3 months to 2 July 2025.

Reasons for Decision

There were no disputed factual matters between the parties.

The application proceeds upon ground 1 of Schedule 3 of the 2016 Act.

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."*

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a), being the heritable proprietor thereof.

Sub-paragraph 2(b) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon instruction

of Corum West End Enquiries to value the Property on 24 July 2024. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(b).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(c). The Tribunal took into account the parties consent to an eviction order being granted and to their agreement that the order be suspended to 12noon on 2 July 2025 in terms of Rule 16A of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017. The Tribunal determined it reasonable to grant an eviction order on that basis.

Findings in Fact

- i. The Applicant is the heritable proprietor of the Property.
- ii. The Applicant leased the Property to the Respondents in terms of the PRT that commenced on 24 May 2021.
- iii. On 16 April 2024, the Applicant served on the Respondents by email and by hand a Notice to Leave requiring the Respondents remove from the Property by 17 July 2024.
- iv. The Notice to Leave proceeds upon Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- v. The Applicant's intention to sell the Property is evidenced by the involvement of Corum West End Enquiries which valued the Property for the Applicant on 24 July 2024.
- vi. The Second Respondent has already vacated the Property.
- vii. The First Respondent remains in occupation.
- viii. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

Decision

The Tribunal, with the consent of the Respondents, granted an eviction order against the Respondents in favour of the Applicant with execution of that order delayed until 12noon on 2 July 2025.

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.

Gillian Buchanan

Legal Member/Chair

Date 2 April 2025

