



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/24/4687

Re: Property at 40 Arranview Street, Chapelhall, ML6 8XN (“the Property”)

Parties:

Karen Kelly, 20 Milverton Avenue, Bearsden, G61 4BE (“the Applicant”)

Carol Campbell, 40 Arranview Street, Chapelhall, ML6 8XN (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- **Background**
 1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicant’s intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- **Case Management Discussion**
 2. A Case Management Discussion (“CMD”) took place on 20 June 2025 by conference call. The Applicant was represented by Evelyn Hunter of Homelink. The Respondent appeared personally and represented herself.

3. The Applicant's representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"). The Applicant intends to sell the Property and requires vacant possession in order to do so. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 14 June 2025. The Respondent continued to reside in the Property. The Property requires significant works to be carried out to it to make it habitable and the Applicant does not have the funds to do so. The Applicant therefore requires to sell the Property.
4. The Respondent submitted that the local authority had inspected the Property in August and confirmed that it did not meet the tolerable standard. The Respondent took over ownership of the Property from her brother, and she is unable to fund any repairs. The Respondent submitted that she moved into the Property in 2021. She signed a new agreement when Homelink became the managing agents in 2024. The Respondent submitted that she had sought advice from the Local Authority regarding being rehoused, and was advised that they could not assist her until an Order for Repossession was granted by the Tribunal. The Respondent confirmed that she had no opposition to the Order being granted.
5. The following documents were lodged alongside the application:
 - (i) Copy Private Residential Tenancy Agreement
 - (ii) Copy Notice to Leave
 - (iii) Proof of service of the Notice to Leave by email
 - (iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
 - (v) Agency agreement between the Respondent and Homelink confirming instruction re appraisal of the Property for marketing for sale
- Findings in Fact
6. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 28 May 2024;
 - (ii) The Applicant is the heritable proprietor of the Property;
 - (iii) The Applicant is entitled to sell the Property;
 - (iv) The Applicant has served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;
 - (v) The Applicant has provided a letter of engagement from an estate agent regarding the marketing of the Property.
- Reasons for Decision
7. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicant intends to sell the property. The Tribunal was satisfied that a Notice to Leave had been served on the

Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act. The Tribunal noted that the Respondent had no opposition to the Order being granted and wished to be rehoused by the local authority.

- Decision
8. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

F.Watson

Legal Member/Chair

Date: 20 June 2025