



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) 2016

Chamber Ref: FTS/HPC/EV/24/1795

Re: Property at 63 Gatehouse Street, Glasgow, G32 9DB (“the Property”)

Parties:

Miss Alison MacIver, 29 Inveroran Drive, Bearsden, Glasgow, G61 2PL (“the Applicant”)

Mr Edward McArthur, 63 Gatehouse Street, Glasgow, G32 9DB (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) which took place by telephone conference on 26 June 2025 the Applicant was not present but was represented by Ms Donna Marie Stewart of Igloo. The Respondent was neither present nor represented

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that:-

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 Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 25 November 2019.
- iii. The rent payable in terms of the PRT is £600 per calendar month.
- iv. On 21 July 2023, the Applicant served on the Respondent by email a Notice to Leave dated 18 July 2023 requiring the Respondent remove from the Property by

26 October 2023 on the basis that she requires to sell the Property failing which an application for an eviction order may be made.

- v. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

At the CMD Ms Stewart for the Applicant made the following additional oral representations:-

- i. The Respondent is still in occupation of the Property.
- ii. The Respondent does not communicate. A visit was made to the Property around a month ago. There was no answer at the Property but a neighbour confirmed the Respondent still lives there.
- iii. The Respondent is believed to work away, possibly offshore.
- iv. The Respondent has a son who is secondary school age who stays at the Property from time to time.
- v. The rent is £6500 in arrears. The Respondent stopped paying rent when the Applicant intimated her intention to sell the Property. He has paid nothing for a year.
- vi. The Respondent has no known disability. He previously made reference to pursuing Council accommodation and stated that he was trying to get accommodation close to his son's school as his son has additional support needs.
- vii. The Respondent's son stays at the Property when the Respondent is not there and is therefore "high functioning".
- viii. The Applicant and her sister live together. They are aged 70s or 80s. They no longer wish to be landlords.
- ix. Ms Stewart managed two properties for the Applicant and her sister including the Property. The other property was sold last year after notice was served on the tenant. The Applicant wishes to sell the Property once the Respondent has secured alternative accommodation.
- x. Ms Stewart's firm, "Igloo", operates as an Estate Agent and has instructions to deal with the sale of the Property. A Home Report is not yet instructed.
- xi. There has been no contact from the Council other than after service of the Section 11 Notice.
- xii. The Property is one of four properties within a tenement block. A roof repair is required to the block. The Applicant was prepared to have the repairs carried out even although the three other owners have not responded regarding their contributions. However, the Respondent will not allow access.
- xiii. The Applicant seeks an eviction order.

Findings in Fact

- vi. The Applicant is the heritable proprietor of the Property.
- vii. The Applicant leased the Property to the Respondent in terms of the PRT that commenced on 25 November 2019.
- viii. The rent payable in terms of the PRT is £600 per calendar month.
- ix. On 21 July 2023, the Applicant served on the Respondent by email a Notice to Leave dated 18 July 2023 requiring the Respondent remove from the Property by 26 October 2023 on the basis that she requires to sell the Property failing which an application for an eviction order may be made.
- x. The Applicant has served on Glasgow City Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- xi. The Respondent is still in occupation of the Property.

- xii. The Respondent does not communicate. A visit was made to the Property around a month ago. There was no answer at the Property but a neighbour confirmed the Respondent still lives there.
- xiv. The Respondent has a son who is secondary school age who stays at the Property from time to time.
- xv. The rent is £6500 in arrears. The Respondent stopped paying rent when the Applicant intimated her intention to sell the Property. He has paid nothing for a year.
- xvi. The Respondent has no known disability. He previously made reference to pursuing Council accommodation and stated that he was trying to get accommodation close to his son's school as his son has additional support needs.
- xvii. The Respondent's son stays at the Property when the Respondent is not.
- xviii. The Applicant and her sister are elderly. They no longer wish to be landlords.
- xix. The Applicant wishes to sell the Property once the Respondent has secured alternative accommodation.
- xx. Ms Stewart's firm, "Igloo", operates as an Estate Agent and has instructions to deal with the sale of the Property. A Home Report is not yet instructed.
- xxi. The email from the Applicant's financial adviser, Mr Kevin Dooley, to Ms Stewart dated 18 February 2023 instructing the sale of the Property and another property mentioned therein is sufficient to meet the terms of sub-paragraph 2(b) of Ground 1 of Schedule 3 of the 2016 Act.
- xxii. The Property is one of four properties within a tenement block. A roof repair is required to the block. The Applicant was prepared to have the repairs carried out even although the three other owners have not responded regarding their contributions. The Respondent will not allow access.

Reasons for Decision

The Respondent did not submit any representations to the Tribunal and did not attend the CMD. The factual background narrated by the Applicant within the application papers and orally by Ms Stewart at the CMD was not challenged and was accepted by the Tribunal.

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 an email from her financial adviser, Mr Kevin Dooley, to Ms Stewart dated 18 February 2023 instructing the sale of the Property and another property mentioned therein. 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 determined that it is reasonable to grant an eviction order having regard to the Applicant's age and desire not to continue as a landlord as evidenced by her having already sold the other rental property in which she previously had an interest. It appears that the Respondent is seeking Council accommodation and any such application will most likely be advanced only after an eviction order is granted.

Decision

The Tribunal granted an eviction order in favour of the Applicant.

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

26 June 2025

Date