



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

**Chamber Ref: FTS/HPC/EV/24/4803**

**Re: Property at 24 Ramsay Place, Johnstone, PA5 0EX (“the Property”)**

**Parties:**

**Mr Charles Stewart, Mrs Maureen Stewart, 15 Elliot Avenue, Paisley, PA2 0UE  
 (“the Applicant”)**

**Mr Ian McNaught, Miss Charlene Law, 24 Ramsay Place, Johnstone, PA5 0EX  
 (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondents in favour of the Applicants.**

**Background**

- 1.** The Applicants seek an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A section 11 notice, tenancy agreement, Notice to leave, Sheriff Officer certificate of service and evidence of the intention to sell were lodged with the application.
- 2.** A copy of the application was served on the Respondents and the parties were notified that a CMD would take place by telephone conference call on 7 July 2025 at 2pm.
- 3.** The CMD took place on 7 July 2025. The Applicants participated. The Respondents did not participate.

## **Summary of Discussion**

4. The Legal Member noted that three different Notices to leave were lodged with the application. The first two appeared to be invalid as the date specified in part 4 was incorrect. The third was submitted with a letter from the Sheriff Officer which stated that they had amended the application by hand before service. The Applicants confirmed that it was the third notice which was served.
5. The Applicants told the Tribunal that the Respondents may have moved out of the property. No rent has been paid since June 2024. They recently attended at the property in connection with a gas safety inspection which had been arranged. There was no answer at the door and two neighbours advised them that they have not seen the Respondents since Christmas. However, the Respondents have not contacted the letting agent or the Applicants to say that they have moved out or returned the keys. The Applicants were unable to get access for the gas inspection as the property was locked.
6. The Applicants stated that they intend to sell the property as part of their retirement planning. They own one other rental property which is not to be sold yet. They said that the Respondents live at the property with one child aged 9 or 10. They are working or self-employed. The Applicants have no other information about the Respondents. The rent arrears are now approximately £9000.

## **Findings in Fact**

7. The Applicants are the owners and landlords of the property.
8. The Respondents are the tenants of the property.
9. The Applicants intend to sell the property as part of their retirement planning.
10. The Applicants served a Notice to leave on the Respondents on 25 June 2024.
11. The Respondents have not been seen by their neighbours for 6 months.
12. The Respondents have not paid rent for 13 months and owe almost £9000 in unpaid rent.

## **Reasons for Decision**

13. The application was submitted with a Notice to Leave dated 21 June 2024 together with a Sheriff Officer certificate of service which establishes that it was served on 25 June 2024. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The date

in Part 4 of the Notice was amended by the Sheriff Officer prior to service. The Notice states that the earliest date that an application can be made to the Tribunal is 18 September 2024.

14. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
15. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
16. Ground 1 of schedule 3 (as amended) 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."
17. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicants intend to sell the property and that part 1 of ground 1 is established.
18. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
  - (a) The Respondents did not participate in the CMD or notify the Tribunal whether the application is opposed.
  - (b) The Respondents may already have moved out of the property as they have not been seen by neighbours for some time.
  - (c) The Respondents have failed to pay rent for over a year.
  - (d) The Applicants intend to sell as part of their retirement planning
19. The Tribunal concludes that the Applicants have complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 18 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

## **Decision**

- 20.** The Tribunal determines that an eviction order should be granted against the Respondents.

## **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.**

# J. Bonnar

15 July 2025