

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/25/0152

Re: Property at 131 Locksley Avenue, Glasgow, G13 3XL (“the Property”)

Parties:

Mr John Deans, 11 Helensburgh Drive, Glasgow, G13 1RR (“the Applicant”)

Ms Emma Hughes, 131 Locksley Avenue, Glasgow, G13 3XL (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Applicant)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application be refused.

Background

1. This is an application for eviction for an order for repossession under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The Applicant’s case is based on Ground 1 (Landlord intends to sell the Property) of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The application was accompanied by a Private Residential Tenancy Agreement dated 14 September 2020, a Notice to Leave dated 30 July 2024 with email from the Applicant to the Respondent, an Estate Agency agreement between the Agency and the Applicant dated 6 and 7 January 2025, an email dated 14 January 2025 from the Agency and a Notice in terms of Section 11 of the Homelessness (Scotland) Act 2003 together with an email to Glasgow City Council dated 14 January 2025.
3. On 13 May 2025 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion (“CMD”) under Rule 17 of the

Regulations would proceed on 9 July 2025. This paperwork was served on the Respondent by Chelsea Murray, Sheriff Officer, Glasgow on 14 May 2025 and the Execution of Service was received by the Tribunal administration.

Case Management Discussion

4. The Tribunal proceeded with the CMD on 9 July 2025 by way of teleconference. The Respondent's mother, Mrs Hughes was in attendance on behalf of the Respondent. There was no appearance by or on behalf of the Applicant despite the teleconference starting 5 minutes late. The Tribunal was satisfied the Applicant had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
5. The Tribunal had before it the Private Residential Tenancy Agreement dated 14 September 2020, the Notice to Leave dated 30 July 2024 with email to the Respondent, the Estate Agency Agreement dated 6 and 7 January 2025, the email dated 14 January 2025 from the Agency and the Notice in terms of Section 11 of the Homelessness (Scotland) Act 2003 together with the email to Glasgow City Council dated 14 January 2025. The Tribunal noted the terms of these documents.
6. Mrs Hughes explained that her daughter had lived in the Property since 2020. Her daughter has had no contact with the Applicant until last October last year when he advised he could not renew the mortgage and was looking to sell the Property. Mrs Hughes further explained that her daughter had two children aged 5 and 6. One of the children has autism and is non-verbal. The children attend local schools and the Respondent is mindful of the catchment area if she were to move, particularly as one child attends a special needs school. Mrs Hughes explained that the Applicant had indicated to the Respondent that he had a three bedroomed house which was in the course of being renovated which she could move in to after it as finished. However the Respondent has heard nothing further from the Applicant as to whether that is still a possibility.
7. With regard to rehousing Mrs Hughes advised her daughter has put in applications but wants to stay in the local area. Mrs Hughes is the only family support for the Respondent; she lives within 5 minutes of the special needs school. She explained that she has taken her daughter to the homeless team but they cannot assist until such time as she is evicted. Her daughter is spending some time at Mrs Hughes' home. The Respondent is anxious about the application.

Reasons for Decision

8. The Tribunal noted the terms of the letter to the Applicant that the CMD would proceed on 9 July 2025. The Tribunal also noted that the Applicant was advised in the letter that the Tribunal could do anything at the CMD which it could do at a hearing including making a decision on the application. The Tribunal further noted that advised the Applicant that if he did not attend the

CMD this would not stop a decision or order being made by the Tribunal. The Tribunal was satisfied that the Applicant was aware that the CMD would proceed on 9 July 2025.

9. The Tribunal had no information before it regarding the Applicant's current circumstances. Whilst the Tribunal had considered the application it had no information before it as to whether the Applicant's circumstances had changed, whether he was still seeking an order and if so whether it was reasonable to evict. The Applicant had provided no information as to why it would be reasonable to evict despite the service of the Notice to Leave. The Tribunal considered what Mrs Hughes had advised. It was clear to the Tribunal that reasonableness in this matter would be pivotal as to whether any order would be made. However the Applicant had not appeared and was not represented to make submissions in support of his application. The Tribunal, in the absence of the Applicant or any representative from the Applicant, had insufficient information before it to determine the case.

Decision

10. The Tribunal refused the application in the absence of the Applicant. The decision of the Tribunal was unanimous.

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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Shirley Evans

22 July 2025

Legal Member

Date