



**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/25/0885

Property at 15 Whittington Street, Coatbridge, ML5 3AD (“the Property”)

Parties:

Mrs Yvonne Hobson, The Old Mill, Robertson, Biggar, ML12 6RS (“the Applicant”)

Ms Karen Campbell, 15 Whittington Street, Coatbridge, ML5 3AD (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Angus Lamont (Ordinary Member)

Decision – in absence of the Respondent

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

Background

1. The Applicant seeks 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, and evidence of the intention to sell were lodged with the application.
2. A copy of the application was served on the Respondent, and parties were notified that a CMD would take place by telephone conference call on 6 August 2025 at 10am.
3. The CMD took place on 6 August 2025. The Applicant was represented by Mr Clark. The Respondent did not participate.

Summary of Discussion

4. Mr Clark told the Tribunal that the Respondent is still living at the property, and the rent is being paid. She was referred to a mortgage advisor with a view to

purchasing the property, but this did not work out. The agent has also made suggestions about other rental properties. They recently received a tenancy reference request but don't know if this means that she has found another property to rent. Mr Clark said that the Respondent lives at the property with one child of approximately 13 years of age. She is understood to be in employment. There are no major tenancy related issues, and the Applicant would not be seeking an eviction order for any other reason. The Respondent previously told the agents that she owns a property in East Kilbride which is not occupied by a tenant. This suggests that she may have alternative accommodation available to her if she is unable to find another rental property. Mr Clark advised the Tribunal that the Applicant is 65 years of age and requires to sell the property for financial reasons. She has already sold the other three properties in her portfolio. She has been experiencing financial difficulties because of personal issues and has health problems. Rent arrears incurred by the tenant of one of her other properties also contributed to her financial issues. In addition, the mortgage over the property is due to expire next month and she does not have the funds to pay it off.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property.
7. The Applicant intends to sell the property for financial reasons. She has already sold her other rental properties.
8. The Applicant served a Notice to leave on the Respondent on 10 October 2024.
9. The Respondent lives at the property with one child.
10. The Respondent told the Applicant's agent that she owns a property in East Kilbride.

Reasons for Decision

11. The application was submitted with a Notice to Leave dated 10 October 2024 together with a copy of an email to the Respondent which establishes that it was sent on that date. 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 Notice states that the earliest date that an application can be made to the Tribunal is 5 January 2025.
12. 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.

13. 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.”
14. 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.”
15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent did not participate in the CMD or notify the Tribunal whether the application is opposed. She did not provide any information about her circumstances to the Tribunal.
 - (b) The Respondent told the Applicant’s agent that she owns a property in East Kilbride although, it is not known whether this is available for occupation by the Respondent.
 - (c) The Applicant requires to sell the property for financial reasons. The mortgage is due to expire, and she requires the proceeds of sale to address the financial difficulties that she is experiencing.
 - (d) The Applicant is 65 years of age and has health issues.
17. 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 16 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

18. 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.



Josephine Bonnar, Legal Member

6 August 2025