



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/24/5049

Re: Property at 7D Centenary Gardens, Coatbridge, ML5 4BY (“the Property”)

Parties:

Mr Manvir Singh, Milton House, Milton Lockhart Estate, Rosebank, Carluke, ML8 5QA (“the Applicant”)

Miss Arwen Greenan, 7D Centenary Gardens, Coatbridge, ML5 4BY (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) have been met in this case and that it would be reasonable to make an eviction order.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

Background

- 1 This is an application for an eviction order under rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 51 of the 2016 Act. The Applicant relied upon ground 1 as the ground for possession, stating that the Applicant intended to sell the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 3 July 2025. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 1 April 2025. Both parties

were invited to make written representations. No written representations were received in advance of the CMD.

The CMDs

- 3 The first CMD took place on 3 July 2025 at 2pm by teleconference. Mr Matheson of Jewel Homes represented the Applicant. The Respondent did not join the call. Mr Matheson advised that he understood the Respondent was happy to move on from the property, which perhaps explained her absence. The Tribunal noted that the Respondent had been given proper notification of the CMD under Rule 17(2) of the Rules and determined to proceed.
- 4 The Tribunal had the following information before it:-
 - (i) Form E application form dated 1 November 2024;
 - (ii) Title sheet LAN36158 confirming the Applicant as the registered joint owner of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
 - (iv) Private residential tenancy agreement between the parties dated 29 March 2019;
 - (v) Notice to leave dated 26 July 2024 together with proof of service upon the Respondent by email;
 - (vi) Section 11 notice to North Lanarkshire Council together with proof of delivery by email;
 - (vii) Email from the Applicant authorising Jewel Homes to act as his representative in the application;
 - (viii) Email from the joint owner of the property authorising the application to proceed in the sole name of the Applicant; and
 - (ix) Agency Agreement between the Applicant and Jewel Homes regarding the sale of the property dated 10 December 2024.
- 5 The Tribunal heard submissions from Mr Matheson on the application. For the avoidance of doubt the following is a summary of the key elements of the submissions and does not constitute a verbatim account of the proceedings.
- 6 Mr Matheson advised that the Applicant had a rental portfolio and was in the process of selling his properties. He had two left, this property, and another one in Airdrie. He was hoping the sitting tenant would purchase the property in Airdrie. The Respondent in this case had not expressed any interest in purchasing the property.
- 7 In response to questions from the Tribunal Mr Matheson advised that he did not have any information about the Respondent's circumstances. Insofar as the Applicant's reasons for selling his rental portfolio, Mr Matheson understood that he was pursuing other interests. Mr Matheson believed there were no issues with the Respondent's conduct of the tenancy. He understood his colleague had been in touch with the Respondent but he was unable to provide any information as to the nature of those discussions.

- 8 Having heard submissions from Mr Matheson, the Tribunal concluded that it did not have sufficient information to reach a decision on the application. Whilst the Respondent had not provided written submissions, nor attended the CMD, the Tribunal still required to satisfy itself that an eviction order was reasonable in the particular circumstances of this case. The Tribunal considered that it would require further information regarding both the Applicant's and the Respondent's circumstances before it could reach a decision on the application.
- 9 The Tribunal therefore determined to adjourn the CMD to obtain further information from the Applicant in order to fully assess the reasonableness of making an eviction order. A Direction was issued requiring the Applicant to submit the following in advance of the CMD:-
- "Written submissions that detail (i) the Applicant's circumstances and reasons for disposing of his rental portfolio, and (ii) the Respondent's personal circumstances which should include her age, any persons residing with her at the property, any health issues or vulnerabilities she or those living with her may have, her employment status, and her intentions should an eviction order be granted by the Tribunal (i.e. what plans she has for seeking alternative accommodation), where known."*
- 10 On 31 July 2025 the Tribunal received written submissions from Jewel Homes in response to the Direction with information regarding the parties' circumstances. The Applicant was selling his rental portfolio as he planned to move abroad and no longer wished to have rental properties in the UK. The Respondent was 44 years old. She had a partner who resided with her on occasion. She was unemployed and seeking rehousing with the local authority. Jewel Homes had been working with her to achieve this, but the local authority would not do anything until the Tribunal made an eviction order.
- 11 The second CMD took place on 13 August 2025. Ms Vikki McGuire of Jewel Homes represented the Applicant. The Respondent did not join the call. Ms McGuire confirmed that she had spoken to the Respondent prior to the case management discussion. The Tribunal noted that she had been given proper notice of the CMD under Rule 17(2) of the Rules and determined to proceed in her absence.
- 12 Ms McGuire confirmed that the Applicant sought an eviction order, and made reference to the written representations which gave further detail regarding the parties' circumstances. She confirmed that she had been working with the Respondent to try and get a council property but it was not possible without an eviction order. The Respondent could not afford another private let in the area therefore council housing was her only option.

Findings in Fact

- 13 The Applicant is the registered owner of the property. The Applicant is a registered landlord.

- 14 On 29 March 2019, the Applicant and Respondent entered into a tenancy agreement in respect of the property.
- 15 The tenancy between the parties is a private residential tenancy as defined by section 1 of the 2016 Act.
- 16 On 26 July 2024, the Applicant sent the Respondent a notice to leave by email. The Respondent consented to the use of email for the delivery of notices under clause 4 of the said tenancy agreement.
- 17 The notice to leave included ground 1. The notice to leave stated that an application would not be made to the Tribunal any earlier than 21 October 2024.
- 18 The notice to leave was in the form prescribed by schedule 5 of the Private Residential Tenancies (Prescribed Notices and Forms) (Scotland) Regulations 2017.
- 19 The Applicant intends to sell the property within three months of the Respondent vacating.
- 20 The Applicant has a rental portfolio that he is currently disposing of, which includes the let property. The Applicant wishes to move abroad. The Applicant no longer wishes to have any rental properties in the UK.
- 21 The Respondent is aged 44 and has no dependents. The Respondent has a partner who occasionally resides with her. The Respondent is unemployed.
- 22 The Respondent is seeking rehousing with the local authority. The local authority will not provide assistance to the Respondent until an eviction order is granted by the Tribunal.

Reasons for decision

- 23 The Tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork, the written representations, and the submissions heard at the CMDs. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties. The Respondent had not provided any information to contradict the Applicant's evidence in support of the application.
- 24 Based on the application paperwork the Tribunal was satisfied that the tenancy between the parties was a private residential tenancy, and that the Applicant had given the Respondent a notice to leave that complied with the provisions of the 2016 Act. The Tribunal was also satisfied that the Applicant had given the local authority notice under section 11 of the Homelessness etc (Scotland) Act

2003 of his intention to recover possession of the property. The Tribunal therefore considered whether ground 1 of schedule 3 of the 2016 Act had been met in this case.

25 The Tribunal considered the wording of ground 1:-

“1 Landlord intends to sell

(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, and

(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.”

26 The Tribunal was satisfied that the Applicant was entitled to sell the property as the heritable owner, and intended on doing so within three months of the Respondents vacating. The Tribunal found his reasons for selling to be credible, in that he wished to dispose of his rental properties in the UK prior to moving abroad. The Tribunal therefore considered whether it was reasonable to make an eviction order on account of the facts in this case.

27 The Tribunal took into account the Applicant's property rights. As the registered owner of the property, the Applicant was entitled to dispose of the property as he saw fit. The Tribunal also took into account his reasons for selling the property. It was understandable that he would no longer wish to have any rental properties in the UK if he planned to live abroad. These were all factors to which the Tribunal gave significant weight.

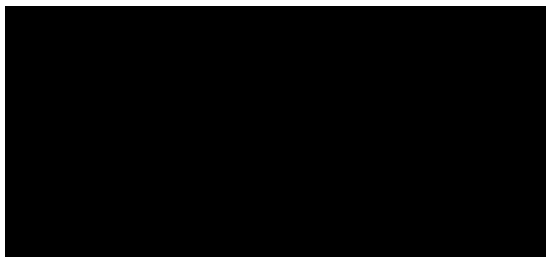
28 The Tribunal carefully considered the Respondent's circumstances. Whilst the risk of homelessness to the Respondent was a cause for concern, ultimately the Tribunal gave most weight to the fact that the Respondent had not sought to dispute the application. The Tribunal accepted that she was seeking a council tenancy, and had been advised by the local authority that they would provide her with accommodation if the Tribunal made an eviction order. The Tribunal also took into account the fact that there were no children in the property who would be at risk of homelessness if an eviction order was granted.

29 Accordingly, having weighed the above factors as relevant to the question of reasonableness, the Tribunal concluded that the balance weighed in favour of making an eviction order in this case.

30 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.



15 August 2025

Date