

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/0037

Re: Property at 21 Strathfillan Road, East Kilbride, G74 1DG (“the Property”)

Parties:

Mr Malcolm Reynolds, Achnagonalin House, Grantown on Spey, PH26 3NH (“the Applicant”)

Mr Gavin Brown, 21 Strathfillan Road, East Kilbride, G74 1DG (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Williams (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 be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 11 June 2025.

The CMD took place by teleconference on 1 August 2025 at 2.00 pm. The applicant joined the hearing and represented his own interests. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 21 Strathfillan Road, East Kilbride G74 1DG. The applicant is Mr Malcolm Reynolds who is the heritable proprietor of the property and the registered landlord. The property is co-owned by the applicant’s wife, Fiona Reynolds, who has

consented to the bringing of this application. The respondent is Mr Gavin Brown who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 22 March 2024. The rent was stipulated at £480 per month.

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The relevant notice period was one of 84 days. The notice to leave is dated 26 September 2024 and stipulates that the earliest an application be submitted to the tribunal would be 22 December 2024. There is evidence that the notice to leave was served upon the respondent by email on 27 September 2024. Sufficient statutory notice was given.

The applicant's motivation to sell the property is on the grounds of ill health. He has produced a copy of a letter from Buchanan Burton Solicitors confirming their instructions in respect of the marketing and sale of the property together with two others which the applicant owns. The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent has not opposed the application. He previously disclosed to the applicant that he was employed. He has no dependants and no known disabilities or other vulnerabilities. There are currently rent arrears of approximately £3,800. A relevant Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

Legal Member/Chair

1 August 2025

Date