



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/25/0702

Re: Property at 3 Braehead, Bonhill, Alexandria, G83 9NA (“the Property”)

Parties:

Mrs Louise Kane, C52, Quinta Do Paraíso, Carvoeiro 8400556, Portugal (“the Applicant”)

Ms Shaunna Reilly, 3 Braehead, Bonhill, Alexandria, G83 9NA (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (granted in the absence of the Respondent)

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

Background

1. This is an application by the Applicant for an eviction order in relation to a Private Residential Tenancy (“PRT”) in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The PRT had been granted by the Applicant to the Respondent commencing on 23rd April 2018.
2. The application to the Tribunal was dated 13th February 2025.
3. The application relied upon a Notice to Leave dated 16th October 2024, issued in terms of section 50 of the *Private Housing (Tenancies) (Scotland) Act 2016*, served upon the Respondents by email and by recorded delivery, all in accordance with the provisions of the PRT. The Notice relied upon Ground 1

of Schedule 3 Part 1 of the 2016 Act, being that “the landlord intends to sell”. The Notice to Leave intimated that an application to the Tribunal would not be made before 13th January 2025.

4. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served by email upon West Dunbartonshire Council on 14th February 2025 was included in the application papers.
5. The Applicant had also exhibited correspondence with GPM Sales and Letting, which confirmed that the Applicant had been in contact with those sales agents with a view to instructing them to sell the Property once they had vacant possession.

The Hearing

6. The matter called for a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 8th September 2025.
7. The Applicant did not join the conference call, but he was represented on the call by Mr Craig Johnston, from Lomond Letting Limited. The Applicant had given Lomond Letting Limited authority to act on her behalf in relation to this application.
8. The Respondent did not join the CMD call. The Tribunal were satisfied that the Application, and details of the CMD, had been intimated upon the Respondent by Sheriff Officers on 29th July 2025. The Respondent has not made any written representations to the Tribunal in advance of the CMD. The Tribunal is satisfied that the Respondent has been given reasonable notice of the date, time and place of the CMD and that the requirements of rule 24(1) of the First-Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Procedure Rules”) have been duly complied with. In the circumstances the Tribunal proceeded with the application in accordance with rule 29 of those Procedure Rules.
9. At the CMD, the Applicant’s representative confirmed that the application for eviction was insisted upon. It was explained that the Applicant owned other properties as part of a portfolio of properties to let. The Applicant has now made the decision that she wishes to sell the Property. The Applicant’s representative further confirmed that the Applicant intends to sell the Property for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it.
10. The Applicant’s representative explained to the Tribunal that, at the time the notice to leave was served, the Respondent had indicated to the Applicant’s letting agents that she was happy to move from the Property.

Findings in Fact and Law

11. The Applicant let the Property to the Respondent under a Private Residential Tenancy which commenced on 23rd April 2018 (“the Tenancy”).
12. Notice to Leave was emailed to the Respondent, and served by recorded Delivery Post, on 17th October 2024. The notice to leave relied upon Ground 1 of Schedule 3 part 1 of the 2016 Act.
13. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon West Dunbartonshire Council on the Applicant’s behalf on 14th February 2025.
14. The Applicant intends to instruct agents to market and sell the Property, or at least put it up for sale, within three months of the tenant ceasing to occupy it.
15. It is reasonable that an order for eviction is granted.

Reasons for Decision

16. The application is in terms of rule 109, being an order for eviction of a PRT. We were satisfied on the basis of the application and supporting papers that the Notice to Leave had been competently drafted and served upon the Respondent.
17. Ground 1 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:
 - (1.)...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.
 - (2) 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.
20. We were satisfied, on the basis of the statements made by the Applicant’s representative at the CMD, that the Applicant has a genuine intention to sell the Property and that Ground 1 of Schedule 3 to the 2016 Act has been established.
21. The Tribunal also considered whether it was reasonable to issue an eviction order.

The Tribunal accept that the Applicant wishes to sell the Property.

The Respondent has not entered an appearance before the Tribunal and has not provided any written opposition to the Tribunal.

In all of the circumstances the Tribunal are satisfied that it is reasonable to grant an order for eviction.

22. The Tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

Decision

23. In all circumstances, we grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 further to ground 1 of Schedule 3 of that Act.

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.

Andrew Cowan

Legal Member/Chair

8th September 2025

Date