



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/25/1276

Re: Property at Flat 1/1, 61 Westmoreland Street, Govanhill, Glasgow, G42 8LJ (“the Property”)

Parties:

Miss Elizabeth Anne Sime, The Old School, Kirkgunzeon, Dumfries, DG2 8LA (“the Applicant”)

Mr Stoycho Kirilov, Mrs Zlatka Ivanova or Kirilov, Flat 1/1, 61 Westmoreland Street, Govanhill, Glasgow, G42 8LJ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Gordon Laurie (Ordinary Member)

Decision

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

Background

1. An application was received by the Housing and Property Chamber dated 11th March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 13th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd September 2025 by teleconferencing. The letter also requested all written representations be submitted by 3rd September 2025.

3. On 14th August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondents by letterbox service. This was evidenced by Certificate of Intimation dated 14th August 2025.

The Case Management Discussion

4. A CMD was held on 22nd September 2025 by teleconferencing. The Applicant was present and was represented by Ms Pauline Ward, solicitor, Kee Solicitors Ltd. The Respondents were not present but were represented by Ms Lynsey McBride, trainee solicitor, Govanhill Law Centre.
5. Ms Ward said that the Applicant had purchased the Property by auction. She had not appreciated the condition of the Property. This became apparent when she was attempting to get basic certification under her landlord duties. The greatest concern is that the whole of the electrical system needs to be replaced. This will include replastering where the old wires have been taken out. Ms Ward said that the electrician, who undertook the EICR certificate testing, reported that there are bare wires exposed which is a potential significant danger to the Respondents. It would not be possible for either the Respondents to continue to live in the Property while the work is being undertaken or to be decanted for the duration of the work. Further, the bathroom and kitchen need to be completely refurbished. The Applicant has had great difficulty gaining access to the Property for the necessary gas and safety certificates. The Applicant is concerned the Respondents may not let tradesmen in to do the work if they remained in the Property.
6. Once refurbished the Applicant is intending to re-let the Property. This is her only rental property. However, the current rent is significantly under the market value. She intends to increase the rent. She deemed it unfair to increase the rent at the moment due to the condition of the Property. It was noted that the Respondents have not paid any rent for several months. September's rent remains outstanding.
7. Ms McBride said that she has been instructed since on or around September 2024. She has had difficulty in obtaining instructions due to a language barrier. However, she is able to confirm that the Respondents are not opposed to an order being granted. She is instructed that on the morning of the CMD the Respondents viewed a property which they have been offered by Govanhill Housing Association. They have accepted the property. They will sign for it and collect the keys on 23rd September 2025. It is an unfurnished property. There followed discussion about the Respondents requiring 6 weeks to move into it. It was agreed that the extract would not need to be superseded as there is a 30 day appeal period followed by a two week notice period before an eviction can proceed. Ms Ward was satisfied that this was enough time. Ms Ward also noted that the Applicant is content for the Respondents to take any items from the Property if it assists them in their new home.
8. The Tribunal was satisfied that it was reasonable to grant an order for eviction, in particular as the Respondents were not opposed to it.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 1st May 2018.
10. The Applicant purchased the Property by auction with the sitting tenants.
11. Major repairs are required to bring it up to standard. This includes complete rewiring of the Property.
12. The Respondents have been allocated a new property by Govanhill Housing Association. They are due to collect the keys on 23rd September 2025.
13. The Respondents do not oppose an order being granted.
14. There are no issues of reasonableness that prevent an order from being granted.

Decision

15. The Tribunal found that ground 3 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

Legal Member/Chair

22 September 2025

Date