



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/25/0603

Re: Property at 280 Rowan Road, Cumbernauld, Glasgow, G67 3DB (“the Property”)

Parties:

Zimtralia Property Investments Ltd, 134 Station Road, Hampton, England, TW12 2AL (“the Applicant”)

Mr Alistair Fraser, 280 Rowan Road, Cumbernauld, Glasgow, G67 3DB (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction 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 upon the respondent was by Sheriff Officers on 21 August 2025.

The CMD took place by teleconference on 3 October 2025 at 2.00 pm. The applicant was represented by Mr Kenneth Caldwell of Patten & Prentice LLP. The respondent sent an email on 2 October 2025 to say that he would not be joining, and he had no opposition to the application.

Findings and Reasons

The property is 280 Rowan Road, Cumbernauld, Glasgow G67 3DB. The applicant is Zimtralia Property Investments Ltd who is the heritable proprietor of the property and the registered landlord. The respondent is Alistair Fraser who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 23 November 2022.

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 23 October 2024. There is evidence that the notice to leave was served upon the respondent by email on the date it is dated. Sufficient statutory notice was given.

The applicant company owns four rental properties and is consolidating the portfolio due to the requirement to pay off certain mortgage loans. This property has a lot of repairs which are required including common repairs. There is no agreement by other owners regarding these common repairs. Consideration was given to selling the property with the respondent as a sitting tenant, but this approach was unlikely to be achieve a sale. Further, the respondent would have been left in the property which was deteriorating which would have been unfair. The respondent has not contributed to the circumstances giving rise to the eviction application. The tribunal was satisfied based on the unchallenged 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 is unopposed to the application. He is single and has no dependents. A Section 11 homelessness notice has been issued to the relevant local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation when an eviction order is made.

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

3 October 2025

Legal Member/Chair

Date