

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 2014

Chamber Ref: FTS/HPC/EV/25/1287

Re: Property at 63 Alexander Avenue, Eaglesham, G76 0DS (“the Property”)

Parties:

Mrs Amanda Walsh and Innes Walsh, both 1 Lettermay Cottage, Lochgoilhead, Cairndow, PA24 8AE (“the Applicants”)

Mr Clifford Callaghan and Emma Wilson, both 63 Alexander Avenue, Eaglesham, G76 0DS (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it could decide the application without a Hearing and that it was reasonable to issue an Eviction Order against the Respondents.

Background

1. By application dated 25 March 2025, the Applicants sought an Eviction Order against the Respondents under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 7 August 2023 at a rent of £995 per month, a Notice to Leave dated 20 December 2024 advising the Respondents that an application to the Tribunal under Ground 1 would not be made before 17 March 2025, and a Letter of Engagement with fee quote from Messrs Macdonald Lynch, solicitors and estate agents, Glasgow. The Applicants stated that they require to sell the property in order to be able to purchase a property of their own in the area of Lochgoilhead, to where they have relocated as a family. The Applicants are currently in rented accommodation and wish to purchase their own family home.

3. On 18 August 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 8 September 2025. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 24 September 2025. The Applicants were present and were represented by Miss Emma Hamilton of Clarity Simplicity Limited, solicitors, Glasgow. The Respondents were not present or represented.
5. The Applicant's representative told the Tribunal that the reason for the Applicants having moved to Lochgoilhead was to enable their son to attend a school where he receives better support for his additional needs. They are unable to finance two properties, paying a mortgage on the Property and rent for the home in which they live. In addition, the Respondents have accrued rent arrears over £6,500. The Applicants have had to obtain financial support from their family and have had to cut back on private medical support for their son.
6. The Applicants added that their son had been struggling in a large mainstream school and that he is much more settled in Lochgoilhead, with the additional support he needs. They believed from information provided by their letting agents, that the Respondents have two children and that Ms Wilson may already have left the Property with the children. The Respondents have not been engaging with the letting agents, who have sent them details of alternative properties available in the area.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a

letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

10. The Tribunal was satisfied from the evidence provided by the Applicants and the solicitors' Letter of Engagement, that the Applicants intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
11. The Tribunal noted that the Applicants have relocated to the Lochgoilhead area, where they are currently in rented accommodation and that they wish to purchase a property there, which will require them to be able to sell the Property. The Tribunal accepted the information provided by the Applicants that the move had been for family support reasons to allow their son to attend a smaller school where he would receive the level of support he requires. The Tribunal also noted that the Respondents have accumulated rent arrears exceeding £6,500 and have not engaged with the Tribunal, did not make any written representations and chose not to attend or be represented at the Case Management Discussion to provide the Tribunal with any information which might indicate that it would not be reasonable to make an Eviction Order against them.
12. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.
13. The Tribunal's decision 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.

George Clark

Legal Member/Chair

Date: 24 September 2025