



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 of the Private Housing
(Tenancies) Act 2016**

Chamber Ref: FTS/HPC/EV/25/1771

Re: Property at 31 Netherplace Road, Newton Mearns, G77 6BG (“the Property”)

Parties:

Mr Paul Crossan, 46 Meadow Rise, Newton Mearns, G77 6SE (“the Applicant”)

**Miss Susan Jackson, 31 Netherplace Road, Newton Mearns, G77 6BG (“the
Respondent”)**

Tribunal Members:

Martin McAllister (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

Decision

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

Background

1. This is an application for recovery of the Property. The application is dated 26 April 2025. The Applicant is seeking recovery under Ground 1, Part 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. This ground states that it is an eviction ground that the landlord intends to sell the let property. The date and time of the Hearing was intimated to parties who were given the opportunity to make written representations and/or lodge productions.

Preliminary Matters

2. The case management discussion was held by audio conference on 12 November 2025. Mr Stephen Kiernan of Premier Properties represented the Applicant who was not present. The Respondent was not present.
3. It was noted that intimation of the arrangements for the case management discussion had been served on the Respondent by sheriff officer on 8 October 2025.
4. The Legal Member outlined the purpose of a case management discussion and the terms of Rule 17 of the Chamber Rules:

Case management discussion

17.— (1) The First-tier Tribunal may order a case management discussion to be held—

(a) in any place where a hearing may be held;

(b) by videoconference; or

(c) by conference call.

(2) The First-tier Tribunal must give each party reasonable notice of the date, time and place of a case management discussion and any changes to the date, time and place of a case management discussion.

(3) The purpose of a case management discussion is to enable the First-tier Tribunal to explore how the parties' dispute may be efficiently resolved, including by—

(a) identifying the issues to be resolved;

(b) identifying what facts are agreed between the parties;

(c) raising with parties any issues it requires to be addressed;

(d) discussing what witnesses, documents and other evidence will be required;

(e) discussing whether or not a hearing is required; and

(f) discussing an application to recall a decision.

(4) The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision

Discussion

5. Mr Kiernan said that he had no other evidence to submit and that he therefore saw no need for a hearing to be fixed. He said that he thought that the application could be determined at the case management discussion.
6. Mr Kiernan said that there had been no difficulties during the tenancy and that there were no rent arrears. He said that the Applicant has owned the Property for some years and that this was his only property on the rental market. He said that the Property is burdened with a mortgage and that the Applicant has decided to exit from the rental market, market it and pay off the mortgage.
7. Mr Kiernan said that the Applicant wants to sell the Property. The tribunal noted the terms of business letter between the Applicant and Premier Properties for the marketing of the Property.

Documents before the tribunal

- 8.1 Copy of the private residential tenancy agreement for the Property dated 10 August 2020 showing that the tenancy commenced on 14 August 2020. The tenancy agreement showed the tenant to be the Respondent.
- 8.2 Notice to Leave dated 22 January 2025 and delivered by email on the same date.
- 8.3 Notice to the local authority in terms of Section 11 of The Homelessness etc. (Scotland) Act 2003 which was acknowledged on 24 April 2025.
- 8.4 Terms of business letter between the Applicant and Premier Properties dated 6 February 2025 in respect of marketing the Property for sale.
- 8.5 Title Sheet for REN72395 showing the Applicant to be owner of the Property.

Findings in Fact

- 9.1 The Applicant is the owner of the Property.

9.2 The Applicant and the Respondent entered into a Private Residential Tenancy Agreement for the Property on 10 August 2020.

9.3 The start date for the tenancy was 14 August 2020.

9.4 The monthly rent for the Property was £495 and is currently £550.

9.5 The Applicant gave the Respondent Notice to Leave which was served on her on 22 January 2025 and required her to vacate the Property by 19 April 2025.

9.6 The Respondent continues to reside in the Property.

9.7 The Applicant has given notice to the local authority in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003.

9.8 The Applicant intends to sell the Property.

Findings in Fact and Law

10.1 The Private Residential Agreement dated 14 August 2020 contains eviction grounds including Ground 1: "It is an eviction ground that the landlord intends to sell the property."

10.2 The Notice to Leave, which was dated 22 January 2025, referred to Ground 1 which is being relied on by the Applicant as the reason for seeking recovery of the Property.

10.3 The Notice to Leave indicated that any proceedings for eviction would not be commenced prior to 19 April 2025.

10.4 The Applicant intends to sell the Property, or at least put it up for sale, within three months of the Respondent ceasing to occupy it.

10.5 It is reasonable to grant the order of eviction.

The Law

The following are provisions of the Private Housing (Tenancies) (Scotland) (Act) 2016

Section 51: First-tier Tribunal's power to issue an eviction order

(1) The First-tier 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 applies.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

(introduced by section 51)

Schedule 1, Part 1

Landlord intends to sell

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal must find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property, and

(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.

(3) 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.

Evidence and Submissions

11. Mr Kiernan asked the tribunal to accept that the ground for eviction was met and to accept that the Applicant intended to market the Property.

12. Mr Kiernan invited the tribunal to consider it reasonable that the Applicant be allowed to recover the Property to enable him to sell it.

13. The Respondent had not submitted any representations in respect of the application.

14. Mr Kiernan said that the Property is a one bedroomed flat and that, as far as he was aware, the Respondent is the sole occupier.

15. Mr Kiernan said that he had kept in touch with the Respondent after the notice to leave had been served. He said that, at one stage, there had been a suggestion that a family member of the Respondent might purchase the Property to enable her to remain in it. Mr Kiernan said that no offer had been forthcoming. He said that it had not been possible for the Applicant to sell the Property with a sitting tenant because the level of rent made it unattractive to purchasers when set against the likely acquisition cost.

16. Mr Kiernan said that the Respondent had told him that she had made enquiry of the local authority housing office and had been told to return to them when a decree had been granted.

Discussion and Reasons

17. The tribunal had regard to the documentation which had been lodged by the Applicant.

18. The tribunal agreed that there was no reason for determination of the Application to be continued to a Hearing.

19. The tribunal considered that the requirements of Ground 1 have been met. It determined that the Applicant intends to sell the Property.

20. The Respondent had chosen not to engage with the Tribunal process and has not submitted any representations or appeared at the hearing.

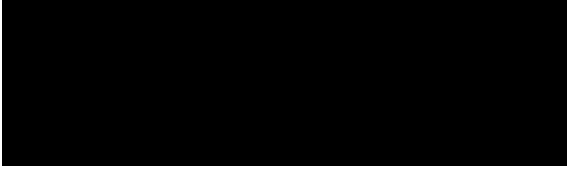
21. In considering whether it was reasonable to grant the order of eviction, the tribunal considered the respective positions of the parties. It knew little about that of the Respondent and it knew that the Applicant wanted to sell the Property because he no longer wanted to be a landlord.

22. In balancing matters, the tribunal considered it reasonable to grant the order of eviction.

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.



Martin J. McAllister
Legal Member
12 November 2025