

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 2016.

Chamber Ref: FTS/HPC/EV/25/0728

Re: Property at Flat 1/2, 6 Mill Street, Glasgow, G40 1LT (“the Property”)

Parties:

Ms Sunita Rani, 48 Highfield Drive, Ickenham, UB10 8AN (“the Applicant”)

Mr Craig Dorman, Flat 1/2, 6 Mill Street, Glasgow, G40 1LT (“the Respondent”)

Tribunal Members:

Shirley Evans (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order against the Respondent for possession of the Property at Flat 1/2, 6 Mill Street, Glasgow, G40 1LT under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) be granted. The order will be issued to the Applicant after the expiry of 30 days mentioned below in the right of appeal section unless an application for recall, review or permission to appeal is lodged with the Tribunal by the Respondent. The order will include a power to Officers of Court to eject the Respondent and family, servants, dependants, employees, and others together with their goods, gear and whole belongings forth and from the Property and to make the same void and redd that the Applicant or others in her name may enter thereon and peaceably possess and enjoy the same.

Background

- 1. This is an application for eviction for an order for repossession under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Regulations”). The Applicant’s case is based on Ground 1 (Landlord intends to sell the Property) of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.**

2. The application was accompanied by a Private Residential Tenancy Agreement dated 2 June 2021 between the Applicant and the Respondent, a Notice to Leave dated 15 November 2024 with a letter dated 15 November 2024, a Royal Mail receipt dated 15 November 2024, an extract of a Land Certificate GLA5062 in the name of Manjit Singh, a death certificate for Manjit Singh, an Extract from the District Public Registry at Winchester, a letter dated 27 January 2014 from HM Revenue and Customs to Bonnetts Solicitors Ltd, an email dated 1 August 2014 from Hunter and Robertson solicitors, a letter from MacDonald Lynch dated 2 April 2025, a mandate from Dimple Singh and a Notice in terms of Section 11 of the Homelessness (Scotland) Act 2003 together with email to Glasgow City Council dated 19 February 2025.
3. On 22 September 2025 the Tribunal enclosed a copy of the application and advised parties that a Case Management Discussion ("CMD") under Rule 17 of the Regulations would proceed on 3 November 2025. This paperwork was served on the Respondent by Chelsea Murray, Sheriff Officer, Glasgow on 23 September 2025 and the Execution of Service was received by the Tribunal administration.

Case Management Discussion

4. The Tribunal proceeded with the CMD on 3 November 2025 by way of teleconference. Mr Haq from G4 Properties Ltd appeared for the Applicant. Mr Hassan from G4 Properties Ltd was also in attendance. There was no appearance by or on behalf of the Respondent despite the CMD starting 5 minutes late to allow him plenty of time to join the call. The Tribunal was satisfied the Respondent had received notice under Rule 24 of the Regulations and accordingly proceeded with the CMD in his absence.
5. The Tribunal had before it the Private Residential Tenancy Agreement dated 2 June 2021 between the Applicant and the Respondent, the Notice to Leave dated 15 November 2024 with a letter dated 15 November 2024, a Royal Mail receipt dated 15 November 2024, an extract of a Land Certificate GLA5062 in the name of Manjit Singh, a death certificate for Manjit Singh, an Extract from the District Public Registry at Winchester, a letter dated 27 January 2014 from HM Revenue and Customs to Bonnetts Solicitors Ltd, an email dated 1 August 2014 from Hunter and Robertson solicitors, a letter from MacDonald Lynch dated 2 April 2025, a mandate from Dimple Singh and a Notice in terms of Section 11 of the Homelessness (Scotland) Act 2003 together with email to Glasgow City Council dated 19 February 2025. The Tribunal noted the terms of these documents.
6. Mr Haq submitted that G4 Properties took over the management of the Property on 2 June 2021. Mr Hassan explained that Mr Dorman had previously had a Short Assured tenancy from 2 May 2014 and they signed him up to the current Private Residential Tenancy.

7. Mr Haq went into explain that the tenancy had run reasonably well. When they received instructions that the Applicant wanted to sell the Property and to serve Notice on the Respondent, he stopped paying rent. They received some emails from the Respondent some of which Mr Haq considered to be aggressive. Their instruction was to give the Respondent some time. They offered him support and wanted to work with him, but after a while it was clear the relationship had broken down.
8. Mr Haq explained the Applicant lived in England and no longer wants to be a Landlord. She intends to sell the Property which she inherited from Manjit Singh following his death in 2012. The Tribunal noted the letter from MacDonald Lynch solicitors dated 2 April 2025 addressed to the Applicant in terms of which they had been instructed regarding the potential sale of the Property.
9. In response to questioning by the Tribunal, Mr Haq advised the Property was a large one bedroomed flat. The Respondent lived alone. He was not aware of any vulnerabilities. Mr Hassan confirmed that the Respondent was in his mid-50s. Mr Haq believed that the Respondent did not work. They had tried to get arrears direct from DWP but had been unsuccessful. Mr Haq confirmed arrears were £5746. The rent was £532.

Reasons for Decision

10. The Tribunal considered the issues set out in the application together with the documents lodged in support. The Tribunal considered the submissions made by Mr Haq and Mr Hassan.
11. Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 gives the power to the Tribunal to evict if it finds that any of the grounds in Schedule 3 apply. This application proceeds on Ground 1, namely the Landlord intends to sell the Property. This is a discretionary ground of eviction. As well as being satisfied the facts have been established to support the grounds, the Tribunal has to be satisfied that it is reasonable to evict.
12. In terms of Section 52 of the 2016 Act the Tribunal is not to entertain an application for an eviction order unless it is accompanied by a Notice to Leave, unless it is not made in breach of any of sections 54 to 56 and unless the eviction ground applied for is stated in the Notice to Leave accompanying the application.
13. Notice to Leave is defined in terms of Section 62 of the 2016 Act. The Notice to Leave clearly states it is the Applicant's intention to sell the Property at Part 2 of the Notice in terms of Ground 1 of schedule 3. The Notice to Leave

specifies the date the landlord expects to become entitled to make an application for an eviction order and specifies a date in terms of Section 54(2) in this case 10 February 2025. In this case the Notice to Leave was sent to the Respondent on 15 November 2024 as evidenced by the Royal Mail receipt. In terms of Section 54 the notice period of the Notice to Leave is 84 days. In the circumstances the Tribunal is satisfied the Respondent have been given sufficient notice. Accordingly, the Notice to Leaves served on the Respondents comply with Section 62 (1).

14. The Tribunal considered the submissions made on behalf of the Applicant. The Tribunal was satisfied on the basis of the documents lodged, together with the submissions that the factual basis of the application had been established in relation to Ground 1 and was satisfied the Applicant intended to sell the Property. The application was not disputed. However, Ground 1 is a discretionary ground of eviction. The Tribunal also has to be satisfied that it is reasonable to evict.
15. In determining whether it is reasonable to grant the order, the Tribunal is required to weigh the various factors which apply and to consider the whole of the relevant circumstances of the case. In this case the Tribunal was satisfied that the Applicant's intention was to sell the Property when she obtained possession. She lived in England and no longer wanted to be a Landlord. On the other hand, the Tribunal gave weight to the fact that the Respondent did not oppose the application. The Tribunal also considered the Respondent had known for some time that the Applicant needed to sell the Property and her right to do so was paramount. All things considered, the Tribunal considered the balance of reasonableness in this case weighted towards the Applicant. The Tribunal find it would be reasonable to grant the order.
16. In the circumstances the Tribunal considered that in terms of Ground 1 of Schedule 3 it was reasonable to grant an eviction order in terms of Section 51 of the 2016 Act.

Decision

17. The Tribunal granted an order for repossession. The decision of the Tribunal 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.

Shirley Evans

3 November 2025

Legal Member: Shirley Evans

Date