



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 58 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/PR/25/2135

Re: Property at Flat 0/1, 37 Partickhill Road, Glasgow, G11 5BP (“the Property”)

Parties:

Mr Hayden Bain, Ms Francesca Devine, 6 Crown Gardens, Glasgow, G12 9HJ (“the Applicant”)

Ms Julie Ann Eastgate, 706 Anniesland Road, Glasgow, G14 0XR (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”), having determined that the Applicants were not misled into ceasing to occupy the property by the Respondent, determined that the tenancy had not been wrongfully terminated.

The Tribunal therefore refused to make an order under section 58(3) of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

- 1 This is an application under rule 110 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 58 of the 2016 Act. The Applicants sought a wrongful termination order under section 58(3) of the 2016 Act.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 21 October 2025. The Tribunal gave notice of the

CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 8 September 2025.

- 3 The Tribunal invited both parties to make written representations on the application. On 10 September 2025 the Tribunal received written representations from the Respondent.

The CMD

- 4 The CMD took place on 21 October 2025 at 2pm by teleconference. The parties all joined the call.
- 5 The Tribunal had the following documents before it:-
 - (i) Form G application form;
 - (ii) Private residential tenancy agreement between the parties;
 - (iii) Notice to leave;
 - (iv) The Applicants' response to the Tribunal's Direction; and
 - (v) The Respondent's written representations dated 10 September 2025.
- 6 As a preliminary point, the Tribunal noted that the Applicants have now have accepted that the property was sold by the Respondent which aligned with the eviction ground stated in the notice to leave. Ms Devine confirmed this was the case, however she outlined the Applicants' concerns leading up to the service of the notice to leave, particularly false allegations regarding modifications they had made to the property, and the behaviour of the neighbour who had ultimately purchased the property via a private sale. The Respondent had also previously stated that she did not want to sell. The Applicants were surprised and upset therefore to receive the notice to leave. They felt they had been pushed out.

Findings in fact

- 7 The Respondent was the owner and landlord, and the Applicants were the tenants of the property, in terms of a private residential tenancy agreement.
- 8 The Respondent gave the Applicants a notice to leave on 19 November 2024. The notice to leave included ground 1 of schedule 3 of the 2016 Act.
- 9 The Applicants left the property following receipt of the notice to leave.
- 10 The Respondent sold the property on 28 May 2025.

Reasons for decision

- 11 The Tribunal was satisfied that it could make a decision following the CMD based on the documentary evidence and oral submissions from the parties. The substantive facts required by the Tribunal in order to determine whether the provisions of section 58 of the 2016 Act were met were not in dispute and

the Tribunal was therefore satisfied it could proceed to a decision in the absence of a hearing under rule 18 of the Rules.

- 12 The Tribunal considered the wording of section 58 of the 2016 Act:-

“58 Wrongful termination without eviction order

(1) This section applies where a private residential tenancy has been brought to an end in accordance with section 50.

(2) An application for a wrongful-termination order may be made to the First-tier Tribunal by a person who was immediately before the tenancy ended either the tenant or a joint tenant under the tenancy (“the former tenant”).

(3) The Tribunal may make a wrongful-termination order if it finds that the former tenant was misled into ceasing to occupy the let property by the person who was the landlord under the tenancy immediately before it was brought to an end.

(4) In a case where two or more persons jointly were the landlord under the tenancy immediately before it ended, the reference to the landlord in subsection (3) is to any one of those persons.”

- 13 In this case the Respondent had given the Applicants a notice to leave, with the ground for eviction stated as ground 1 of schedule 3 of the 2016 Act. Ground 1 applies where the landlord intends to sell the property, or market the property for sale, within three months of the tenant ceasing to occupy. The Respondent had then agreed to a private sale of the property, which completed on 28 May 2025. The Applicants did not dispute this. The Tribunal therefore concluded that the Applicants had not been misled into ceasing to occupy the property and refused to make a wrongful termination order under section 58 of the 2016 Act.

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.

R O'Hare

21 October 2025

Legal Member/Chair

Date

