



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/0161

Re: Property at 58 Braehead Street, Kirkintilloch, G66 1PT (“the Property”)

Parties:

Mr Christopher Munro, 9 Hazel Avenue, Lenzie, G66 4RR (“the Applicant”)

Miss Elaine Cairney, 58 Braehead Street, Kirkintilloch, G66 1PT (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr T Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application received in the period between 15th January and 28th February 2025. The Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties commencing on 13th June 2022, a notice to leave with evidence of service, section 11 notice with evidence of service, and evidence of intention to sell.
2. Notification of the application and Case Management Discussion was made upon the Respondent by Sheriff Officer on 17th September 2025.
3. By email dated 24th October 2025, the Respondent lodged written representations.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 29th October 2025. The Applicant was not in attendance and was

represented by Mr Waclawski, Guardian Lettings & Sales Ltd. The Respondent was in attendance.

5. The Tribunal explained the purpose of a CMD. The Tribunal explained the issues which it had to consider before deciding whether or not to grant an order.
6. Mr Waclawski said the Applicant wishes to sell the Property. The Applicant owns four other properties. The Applicant wishes to use the sale proceeds to renovate the other properties which are in a more suitable location for the Applicant. The Property is mortgaged and the Applicant wishes to clear the mortgage from the proceeds of sale.
7. The Respondent said she was not opposing the order. She has been allocated social housing. An offer of a property was made in January 2025, and the property required repairs. It was signed over to her on the day before the CMD. She expects to be able to move into her new accommodation with her two children within two or three weeks.
8. The Respondent said the Property is affected by rising damp and mould. The Respondent said no repairs had been carried out in the three years in which she lived in the Property. Mr Waclawski said a significant repair had been carried out. When the problem persisted, it was put down to a lack of ventilation and heating. The Tribunal explained it would not be making any findings in this regard.
9. Responding to questions from the Tribunal as to whether the Respondent required an extension to the period before which an eviction order could be enforced, she indicated she did not require an extension to the normal 30-day period.
10. Mr Waclawski said there is a concern that the housing element of the Respondent's benefits will now be transferred to the new property, and asked if the Tribunal could take action to ensure the Respondent makes a claim for dual payment. The Tribunal explained it has no powers in this regard, and it is for the Respondent to request dual payment.
11. The Tribunal adjourned to consider its decision.

Findings in Fact and Law

12.

- (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 13th June 2022.
- (ii) Notice to leave has been served upon the Respondent.
- (iii) The Applicant intends to sell the Property.

- (iv) The Applicant is entitled to sell the Property.
- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) It is reasonable to grant an eviction order.

Reasons for Decision

- 13. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
- 14. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
- 15. The Applicant requires to sell the Property in order to clear the mortgage and effect improvements on other let properties which are in a more suitable location for the Applicant.
- 16. The Respondent has been allocated social housing and expects to move into her new property shortly. The Respondent is not opposing the order.
- 17. The Tribunal considered it was reasonable to grant the order sought.

Decision

- 18. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 3rd December 2025.

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.

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Legal Member

Ms H Forbes

Date 29th October 2025