



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/25/2963

Re: Property at 94 Archerhill Terrace, Glasgow, G13 4TB (“the Property”)

Parties:

Mr Colin McElroy, 57 Roadside, Cumbernauld, G67 2SH (“the Applicant”)

Mr William McElroy, 94 Archerhill Terrace, Glasgow, G13 4TB (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. By application dated 9 July 2025 the applicant seeks an order for eviction on the ground that they intend to sell the property. The application was conjoined with application reference FTS/HPC/CV/25/2965 in terms of which the applicant seeks an order for payment in respect of rent arrears.
2. The applicant lodged the following documents with the application:
 - Written submissions
 - Notice to leave with proof of service
 - Section 11 notice

- Letter instructing estate agent
3. A case management discussion (“cmd”) was assigned for 12 December 2025.

Case management discussion – 12 December 2025- teleconference

4. The applicant was represented by Ms Mullen, solicitor, T C Young. The respondent, Mr McElroy attended on his own behalf.
5. Ms Mullen sought an order for eviction. She stated that the applicant sought to recover the property relying on ground 1.
6. The respondent stated that he did not oppose an order for eviction being granted. He stated that he had lived in the property as his family home for over 20 years. The applicant is the respondent’s stepfather. Since the respondent’s mother passed away the respondent had found it difficult to continue residing in the property. He stated that he has tried to obtain alternative accommodation and has sought housing advice. He has been told that he will receive assistance with alternative accommodation after an eviction order has been granted. He stated that he has an active application for housing with the local authority.
7. The respondent stated that he was aware that the applicant owned the property and wanted him to leave.
8. The Tribunal enquired as to whether the respondent sought any suspension in enforcement of the order. The respondent sought no extension to the normal period before enforcement of the order.

Findings in fact

9. The applicant is the sole owner of the property.
10. The applicant intends to sell the property.
11. The respondent resides alone in the property.
12. The respondent has not submitted any opposition to the present application.

Reasons for the decision

13. Rule 17 (4) states:

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

14. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

15. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
16. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondent.
17. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
18. The Tribunal gave significant weight to the fact that the respondent did not oppose an order for eviction being granted and made no objection to the reasonableness of the order being granted. The Tribunal also gave weight to the respondent's submissions that he was actively seeking alternative accommodation as he no longer wished to reside in the property.
19. The Tribunal took into account that the applicant had a genuine intention to sell.
20. The Tribunal determined that it was reasonable to grant an order.

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.

Mary-Claire Kelly

17 December 2025

Date