



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/25/1464

Re: Property at 11E Ferguson Street, Johnstone, PA5 8SX (“the Property”)

Parties:

Mr John Lau, Mrs Christine Lau, 28 Greenwood Road, Clarkston, G76 7AN (“the Applicant”)

Ms Julie Glass, 11E Ferguson Street, Johnstone, PA5 8SX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case and it would be reasonable to make an eviction order.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicants relied upon ground 1 as the ground for possession, stating their intention to sell the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 8 November 2025 at 10am. 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 9 October 2025.

- 3 The Tribunal invited both parties to make written representations in advance of the CMD. No written representations were received from either party.

The CMD

- 4 The CMD took place by teleconference on 18 November 2025. Mrs Kelly Dean of Emmerson Homes represented the Applicants. The Respondent was not in attendance. Mrs Dean explained that the Respondent had last been in touch with her on 30 September 2025. The Respondent was aware of the Tribunal proceedings. The Tribunal noted that the Respondent had provided no explanation to the Tribunal as to the reason for her absence nor had she made any written representations. The Tribunal was satisfied that she had been given proper notice of the CMD under Rule 17(2) of the Rules and delayed the start time of the CMD for a short period before proceeding in her absence.
- 5 The Tribunal had the following documents before it:-
- (i) Form E application form;
 - (ii) Title sheet confirming the Applicants' ownership of the property;
 - (iii) Excerpt from the online landlord register confirming the Applicants' landlord registration;
 - (iv) Private residential tenancy agreement between the parties;
 - (v) Notice to leave and proof of delivery to the Respondent by email;
 - (vi) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority by email;
 - (vii) Copy letter from Emmerson Homes confirming receipt of instructions to market and sell the property; and
 - (viii) Written mandate authorising Emmerson Homes to represent the Applicants.
- 6 The Tribunal heard submissions from Mrs Dean on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.
- 7 Mrs Dean confirmed that the Applicants sought an eviction order. They intend to sell the property. This is their only rental property, and they wish to remove themselves from the private rental sector. They are not professional landlords. The Respondent has resided in the property since 2018. She signed a new tenancy agreement in April 2024 after her husband left the property. She resides alone. Mrs Dean was aware that the Respondent has experienced some recent health concerns and has been in hospital, but Mrs Dean did not know the details. The Respondent has indicated that she has secured alternative accommodation, but she is yet to return the keys for the property.
- 8 The Tribunal adjourned the CMD, at which point Mrs Dean left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 9 The Applicants are the owners and landlords of the property, and the Respondent is the tenant, in terms of a private residential tenancy.
- 10 The Applicants have given the Respondent a notice to leave which includes ground 1 of schedule 3 of the 2016 Act.
- 11 The Applicants have given the local authority a section 11 notice as at the date of making this application.
- 12 The Applicants are entitled to sell the property.
- 13 The Applicants intend to sell the property within three months of the Respondent ceasing to occupy the property.
- 14 The Applicants have instructed Emmerson Homes to market and sell the property on their behalf.
- 15 The Applicants have no other rental properties. The Applicants wish to leave the private rented sector.
- 16 The Respondent resides alone in the property. The Respondent is believed to have had some recent health issues.

Reasons for decision

- 17 The Tribunal was satisfied it had sufficient information to make relevant findings in fact based on the oral submissions and documentary evidence before it. The Respondent had been clearly advised in the CMD notification that the Tribunal could proceed to a decision at the CMD. She had provided no explanation for her failure to attend the discussion and had not sought to submit any evidence to the Tribunal to counter the documentary evidence submitted by the Applicant. The Tribunal was therefore satisfied it could reach a decision in the absence of a hearing under rule 18 of the Rules.
- 18 Section 52 of the 2016 Act states that *“an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant”*. The Tribunal was satisfied based on the documentary evidence before it that the Applicants have given the Respondent a notice to leave that complies with the requirements of the 2016 Act. The Tribunal was further satisfied that the Applicants have given the local authority a section 11 notice in accordance with the requirements of section 56 of the 2016 Act.
- 19 The Tribunal went on to consider the wording of ground 1:-

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

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

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

(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, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(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.”

- 20 The Tribunal accepted that the Applicants are entitled to sell the property as the registered owners, and intend to do so, or at least market the property for sale, within three months of the Respondent ceasing to occupy. The evidence in this regard was unchallenged by the Respondent. The Tribunal concluded that ground 1 was established on that basis.
- 21 The Tribunal therefore considered whether it was reasonable to make an eviction order on account of those facts, which requires the Tribunal to identify those factors relevant to reasonableness and determine which attract the greatest weight.
- 22 The Tribunal considered the Applicants' property rights which entitle them to dispose of the property. The Tribunal accepted that they are not professional landlords and now wished to leave the private rental sector. The Tribunal gave significant weight to this as a relevant factor.
- 23 The Tribunal carefully considered the Respondent's circumstances. It was limited to the information from Mrs Dean in this regard as the Respondent had chosen not to participate in the proceedings. The Tribunal therefore accepted that the Respondent lived alone and had some health issues. However, the Tribunal gave most weight to the fact that the Respondent had not sought to challenge the application. She had not submitted any contradictory evidence in terms of reasonableness. The Tribunal could therefore identify no relevant factors which would weigh against making an eviction order in this case. The Tribunal was also aware that the local authority would have a duty to provide the Respondent with advice and assistance if an eviction order is granted.
- 24 The Tribunal therefore concluded that the balance in terms of reasonableness weighed in favour of making an eviction order.
- 25 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.

R O'Hare

18 November 2025

Legal Member/Chair

Date