



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Scotland)(Tenancies) Act 2016**

Chamber Ref: FTS/HPC/EV/24/5524

Re: Property at 36 Inveroran Drive, Bearsden, G61 2PL (“the Property”)

Parties:

Gecko Property Management Ltd, 12 Balvie Grove, Milngavie, G62 7SF (“the Applicant”)

**Mr Craig Ford, Mrs Linda Millar Ford, 36 Inveroran Drive, Bearsden, G61 2PL
 (“the Respondent”)**

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Lorraine Charles (Ordinary Member)

Decision (in absence of the First Respondent)

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. The Tribunal determined that it was reasonable to suspend enforcement of the order until 21 February 2026.

Background

1. By application dated 10 October 2024 the applicant seeks an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016
2. The applicant submitted the following documents with the application:
 - Copy tenancy agreement.
 - Notice to leave with proof of delivery.
 - Estate agency letter of instruction.

- Section 11 notice.
3. On 22 April 2025 the second respondent's representative submitted written representations.
 4. A case management discussion took place via teleconference on 20 June 2025. Mr Dillon, Director of Gecko Property Management Ltd was in attendance with his representative, Mr Aiton of Sinclair Services. The second respondent, Mrs Ford was in attendance with her representative, Ms Dallas from East Dunbartonshire Citizens Advice Bureau. Ms Dallas advised that Mr Ford was unable to attend due to work commitments.
 5. Mr Dillon stated that the applicant's intention remained to sell the property. He sought an order for eviction relying on ground 1. Ms Dallas stated that the respondents opposed an order being granted and sought to defend the action.
 6. The second respondent disputed that there was a genuine intention to sell and further disputed that it was reasonable to grant an order.
 7. The Tribunal determined to fix an evidential hearing to consider the application. Having canvassed parties' views it was agreed that the hearing would take place via teleconference.
 8. Following the cmd the applicant submitted the following additional documents:
 - Offer to purchase the property and acceptance from McKinstry Company on behalf of the applicant
 - Letter from Parris & McNally Limited Accountants
 - Estimate from Amp Property Developments
 - Letter from Heather Dillon
 9. On 18 November 2025 the respondent's representative submitted the following documents:
 - Financial statement showing the respondent's income and outgoings
 - Email thread with East Dunbartonshire Council Homelessness Team
 10. The following documents were submitted on the day of the hearing on behalf of the second respondent:
 - Medical Report
 - Correspondence from East Dunbartonshire Council regarding housing application

- Correspondence from the Wheatley Group regarding housing application
- Letter from Frances Stokes chair of the Sunshine Wishes Children's Charity

Hearing – 21 November 2025 – teleconference

11. Mr Dillon, Director of Gecko Property Management Ltd was in attendance with his representative, Mr Aiton of Sinclair Services. The second respondent, Mrs Ford was in attendance with her representative, Ms Howard from East Dunbartonshire Citizens Advice Bureau. The first respondent was not present. The Tribunal was satisfied that the first respondent had been properly notified of the hearing and proceeded in his absence in terms of rule 24.1.

Oral evidence at the hearing

12. Summaries of the oral evidence heard at the hearing are undernoted. For the avoidance of doubt it is not a verbatim record and focuses on the areas relevant to the application and in particular areas of dispute between the parties. Parties were given the opportunity to cross examine witnesses.

Summary of Adrian Dillon's evidence

13. Mr Dillon referred to the documents that had been submitted on his behalf. He stated that the property had been transferred to his property management company by his mother Heather Dillon. There had been no payment made by Mr Dillon at the time the property was transferred. It had been agreed with his mother that he would take out a mortgage over the property. The lump sum received from the mortgage would be used carry out essential repairs to the property with the remainder being used to fund Mrs Dillon's retirement. Mr Dillon stated that his mother was 81. He stated that her position was set out in the letter from her that had been submitted.

14. Mr Dillon stated that he had sought to obtain a mortgage over the property. Due to the condition of the property and the number of repairs that were required he had been unsuccessful. He referred to the email correspondence that had been

submitted from his mortgage adviser which showed that the mortgage had been turned down due to the level of repairs required.

15. Mr Dillon stated that as he was unable to obtain a mortgage it was agreed with his mother that the property should be sold. Mr Dillon stated that he was approached by Mr Walker to buy the property. The offer to purchase the property that had been submitted was on behalf of Mr Walker. Mr Dillon stated that the offer to purchase the property had been accepted. In the event that an order was granted, missives would be concluded and the sale would proceed.
16. Mr Dillon stated that if the property was sold it was his intention to transfer a sum equal to the value of the property when it was transferred to the applicant to his mother. Mr Dillon stated that his mother was counting on the money being received. He stated that as set out in the letter from his accountant Gecko Property Management was facing financial challenges which would be helped by the sale of the property.
17. Mr Dillon stated that the property was in a poor state of repair. An estimate that had been submitted showed the cost of repairs to be £31,000. He stated that due to rising costs his company was unable to afford to carry out the necessary repairs. He stated that the current monthly rent charge is £788.
18. Mr Dillon stated that the eviction process had a severe psychological impact on him primarily due to the stress of the situation. He stated that the notice to leave had been served in May 2024. The respondents had a significant period of time to secure alternative accommodation. Mr Dillon stated that an internet search would show that accommodation which would be within the respondent's affordability was available within a reasonable distance of the property.

Summary of Linda Ford's evidence

19. Mrs Ford stated that she had been doing all she could to find an alternative property. She stated that she had applied to the council and a number of housing associations. She stated that she had been to see her local MSP and councillor to see if they might be able to assist.
20. Mrs Ford stated that there were no affordable private lets available within the areas she wished to live in. The rent in the current property is £788. She confirmed that her combined income with her husband was £4138. Mrs Ford

stated that she lives with her husband her 30 year old son It was her intention that if another property was found her son would continue to reside with her. Mrs Ford stated that she required a 2 bedroom property. She stated that she had specified in her housing application to East Dunbartonshire Council that she would not consider a flat as she had a dog and had arthritis in her knees. She stated that as she was 60 she was also planning in case her mobility reduced further in the future.

21. Mrs Ford stated that her son was working as a self-employed joiner however she was not able to confirm his current income.
22. Mrs Ford stated that there was a lack of affordable housing in the areas of Milngavie/Bearsden and the other areas she had identified as being suitable to reside in. In the areas within which Mrs Ford had applied for housing there was very little likelihood of social housing that fitted her criteria becoming available.
23. Mrs Ford stated that she worked full time as a manager at the Sunshine Wishes Children's Charity. The charity operates a number of foodbanks and provides support to families with children . Mrs Ford referred to the letter from the Chair of the charity that had been submitted. The letter stated that it was important for Mrs Ford to remain close to her current location. Mrs Ford stated that she has worked with the charity for 15 years. The charity is active in a number of communities in East Dunbartonshire. Prior to moving to her present address in 2020 she had lived in social housing within an area where the charity was active. Mrs Ford stated that she had been uncomfortable living in the area after she became known for her work with the charity. She stated that there had been 3 incidents when her car had been damaged which she thought were connected to her employment however she had not reported the incidents to the police. She had also been approached by individuals on the street asking for assistance. She stated that she could not live in the areas where the charity was active.
24. Mrs Ford referred to the medical report that had been submitted. She stated that the eviction process had placed her under great stress. She stated that she had tried her hardest to find somewhere to live however the lack of housing, the cost of private housing and the fact that she had a dog were all barriers to finding somewhere else.

25. Mrs Ford referred to the condition of the property. She stated that the property was in poor condition and there was an issue with the heating within the property which meant that it was freezing cold. She stated that her heating bills were £500 per month due to the condition of the property including it's heating system.

Findings in fact

26. The respondents entered into a private residential tenancy agreement in respect of the property with a commencement date of 9 November 2020.

27. Monthly rent payable for the property is £778.

28. A valid notice to leave specifying that the applicant sought to recover possession relying on ground 1 was served on the respondents on 31 May 2024.

29. Adrian Dillon is the sole director of Gecko Property Management. The property was previously owned by his mother, Heather Dillon.

30. Mrs Dillon transferred the property to her son Adrian Dillon's property company, Gecko Property Management for no consideration on 3 August 2021.

31. Mr Dillon sought to obtain a mortgage over the property to obtain funds to pay to his mother to fund her day to day living costs in retirement.

32. The property is in a state of disrepair and requires extensive refurbishment.

33. Mr Dillon is unable to fund the costs of carrying out the repairs to the property.

34. Mr Dillon was unable to obtain a mortgage due to the condition of the property. As a result it was agreed that the property would be sold with part of the proceeds being transferred to Heather Dillon.

35. An offer to purchase the property has been made and has been accepted by the applicant.

36. Mr Dillon has suffered stress as a result of the present eviction process.

37. The respondents reside in the property with their 30 year old son who is a self-employed joiner.

38. The first respondent is employed at the DPD warehouse. The second respondent works full time as a manger ad the Sunshine Wishes Children's Charity.

39. The second respondent has applied for housing from East Dunbartonshire Council and a number of housing associations including The Wheatly Group.
40. The second respondent believes that affordable suitable private rented accommodation is not available in her chosen areas.
41. The second respondent seeks social housing as it offers greater stability.
42. The second respondent has requested a 2 bedroom house in her applications to social housing providers.
43. The second respondent has excluded areas where her employer is active from her accommodation applications.
44. The prospects of a social housing property of the type specified by the second respondent becoming available in the areas specified by the applicant are poor.
45. The second respondent has suffered stress and anxiety as a result of the present eviction process.
46. The respondent's joint monthly income is £4217.

Reasons for the decision

47. The Tribunal took into account the application and documents lodged by the parties together with the oral representations and evidence heard at the cmd and hearing in reaching a decision.
48. Ground 1 in schedule 3 of the Private Housing (Tenancies) (Scotland) Act states:
- (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.

49. The Tribunal found Mr Dillon to be a credible witness. The Tribunal accepted his evidence that there was a genuine intention to sell the property. The Tribunal gave weight to the fact that Mr Dillon's evidence on this point was corroborated by the formal offer to purchase the property that had been submitted together with the letter of acceptance from Mr Dillon's solicitor.
50. Having accepted that the applicant had a genuine intention to sell the property, the Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. It is well established that in determining whether it is reasonable to grant an order all relevant circumstances are taken into account, including personal circumstances, *Barclay v Hannah* 1947 SLT 235 and *Cumming v Danson* 2 ALL ER 653. The Tribunal had regard to the Upper Tier Tribunal's decision in an eviction application also relying on ground 1 *Caroline Manson and David Downie against Virginie and Iain Turner* UTS/AP/23/0018 – in determining whether it was reasonable to grant an order the Tribunal was required not only to identify the factors which it had taken into account, but also to explain why it had given more weight to those factors supporting the conclusion which it reached, relative to those which pointed the other way. Parties should be left in no doubt as to why the Tribunal reached the conclusion that it did. In assessing whether it is reasonable to grant an order all available facts relevant to the decision required to be considered and weighed in the balance, for and against.
51. The Tribunal gave significant weight to the fact that the applicant sought to sell the property in order to provide funds to support his mother, Heather Dillon. Mr Dillon's evidence on this point had been consistent throughout and was supported by a letter from Mrs Dillon corroborating his evidence on this point.
52. The Tribunal also gave significant weight to the condition of the property and the fact that the applicant could not afford to address the extensive repairs

issues. Mr Dillon's undisputed evidence that he was not in a financial position to carry out the repairs was supported by the letter that had been submitted from his accountant. The Tribunal also took into account the estimate that had been submitted which estimated the cost of carrying out the repairs to be £31,000. The Tribunal took into account that Mrs Ford did not dispute that the property was in a poor condition and had stated that there were ongoing issues with repairs.

53. The Tribunal also gave weight to the impact the continuing tenancy had on Mr Dillon and his mother. The Tribunal accepted that the process was having a financial and personal impact on both.
54. The Tribunal considered the evidence that had been heard from the second respondent in her opposition to the application. The Tribunal had sympathy for Mrs Ford. It was clear from her evidence that she was well settled in her home and attached to the local area. It was also clear that she had made efforts to apply for social housing. However, the Tribunal did not find that the Mrs Ford had established in her evidence that it was necessary for her to limit her search for alternative housing to exclude all areas where her employer was active.
55. The Tribunal accepted Mrs Ford's evidence that she had encountered certain issues near her last home arising from her employment however the incidents had not been reported to the police and there was no evidence to show that it was reasonable to discount large parts of the East Dunbartonshire area from her search as a result of the incidents described.
56. The Tribunal did not accept Mrs Ford's evidence that all suitable alternative private sector accommodation was beyond her affordability. The income and expenditure form showed a joint monthly income of £4127. In addition it was to be expected that the respondents' son would contribute to the household costs as he was residing with his parents and self-employed. No income information had been provided for him.
57. The Tribunal accepted that the first respondent's preference was to reside in her current geographical area however, it was not accepted that there were no other areas which might be suitable for the respondent where private sector accommodation would be affordable.

58. The Tribunal took into account Mrs Ford's medical condition and the stress and anxiety she had suffered as a result of the eviction process.
59. The Tribunal considered that when balancing competing factors on the issue of reasonableness the fact that the applicant required to sell the property due to his financial circumstances and to support his mother was a persuasive factor in favour of granting an order. In addition the Tribunal found the undisputed evidence that the property was in a poor and deteriorating state of repair which the applicant could not afford rectify to be a persuasive factor.
60. Taking all the foregoing factors into account the Tribunal determined that on balance it was reasonable that an order for eviction be granted
61. The Tribunal canvassed views on the date of enforcement of an order. Mrs Ford proposed that a 3 month suspension would be reasonable. The applicant did not oppose that request in the event an order was granted. In the circumstances the Tribunal suspends enforcement until 21 February 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.

M-C Kelly

Legal Member/Chair

21 November 2025
Date
