

Housing and Property Chamber
First-tier Tribunal for Scotland



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 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/2587

Re: Property at 20 Strathyre Street, Flat 0/1, Shawlands, Glasgow, G41 3LW (“the Property”)

Parties:

Ms ELAINE HOWATSON, 29 WOODBINE TERRACE, EDINBURGH, EH6 8DA (the Applicant)

Belvoir Letting, 8 Silk Street, Paisley, PA1 1HG (the Applicant’s Representative)

MS DONNA PERRY, 20 Strathyre Street, Flat 0/1, Shawlands, Glasgow, G41 3LW (the Respondent)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Mrs. Frances Wood (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely the landlord is entitled to sell the let Property and intends to sell it for market value or at least put it up for sale within 3 months of the tenants ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 10 June 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the Respondent ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
 - 3.1. Tenancy Agreement;
 - 3.2. Notice to Leave;
 - 3.3. Proof of Notification of Notice to Leave; and
 - 3.4. Authorisation from landlord for representation.
4. The tribunal's administration obtained the Title Sheet for the Property on 17 June 2025 which showed that the Applicant is registered proprietor of the Property.
5. The tribunal's administration confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 15 October 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 27 November 2025 at 1400h by teleconference. The Respondent was invited to make written representations in response to the Application by 5 November 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was personally served on the Respondents by Sheriff Officers.
7. On 24 November 2025, Amanda Paterson, Housing & Welfare Officer, City of Glasgow Council, submitted written representations in response to the Application on behalf of the Respondent, who has long term health conditions, which impact

mobility/activities of daily living. Ms Paterson stated that she was assisting but not representing the Respondent and that Ms Perry would attend the CMD with a supporter, Lynn Reid.

Case Management Discussion (CMD) 27 November 2025, 1400h: Teleconference

8. Ms Gill from the Applicant's Representative attended on behalf of the Applicant.
9. Ms Perry attended with a supporter Mrs Lynn Reid.
10. Ms Perry confirmed that the eviction is not opposed but as stated in the written representations, she asked whether additional time could be given to locate suitable alternative housing which meets her needs. Mrs Reid stated that the council homeless team is already dealing with Ms Perry's application and that they may give her homeless status prior to the date for eviction to prevent Ms Perry going into the homeless system, which might involve hotel accommodation, which would be totally unsuitable for her needs. The casework team is working on the application and they hope that a suitable property will be able to be located within three months. Ms Perry asked whether the eviction order could be delayed for three months.
11. The tribunal adjourned to allow Ms Gill to take instructions from the Applicant, as she had not been able to do so between receiving the Respondent's written submissions on 24 November and the CMD.
12. After the adjournment Ms Gill confirmed that the Applicant agreed to deferral of enforcement by three months. She also apologised that she had not been able to respond earlier.
13. The date of 27 February 2026 was agreed by both parties.
14. The tribunal gave its decision orally to the parties to make the eviction order with deferral of enforcement to 27 February 2026, as agreed by the parties.

15. The tribunal makes the following findings-in-fact:

- 15.1. The Applicant is the registered proprietor of the Property.
- 15.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 29 April 2019.

- 15.3. The Applicant requires to sell the Property with vacant possession and has taken steps to instruct a sales agent.
- 15.4. Notice to Leave has been served on the Respondents on 3 March 2025 under Ground 1 of Schedule 3.
- 15.5. The Respondent has long term health conditions, which impact mobility/activities of daily living.
- 15.6. The Respondent is seeking an alternative suitable property which meets her needs, with the assistance of the local authority housing department and needs additional time to identify a property.

Discussion

16. The Application for an order for eviction was not opposed. The Respondent sought an additional three months to allow the council further time to identify a suitable property which meets Ms Perry's needs. The Applicant agreed to the three month period sought.
17. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
18. The tribunal was satisfied that in all the circumstances, including the agreement of the parties, it was reasonable to make an order for eviction and to delay the date for enforcement to 27 February 2026.
19. The tribunal therefore made an order for eviction in terms of Section 51 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.

Susanne Tanner KC

Ms. Susanne L. M. Tanner Q.C.
Legal Member/Chair

27 November 2025