

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/25/2460**

**Re: Property at 69 Crossveggate, Milngavie, G62 6RA (the Property)**

**Parties:**

**Miss Vicki Nash, Glynside, Kippen Road, Fintry, Stirlingshire, G63 0LW (the Applicant)**

**Western Lettings Limited, Suite 5, Craighall Business Park, Platinum. House, 23 Eagle Street, Glasgow, G4 9XA (the Applicant's Representative)**

**Mr Mark Ewing and Mrs Deborah Ewing 69 Crossveggate, Milngavie, G62 6RA (the Respondent)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner K.C. (Legal Member)  
Ms. Ann Moore (Ordinary Member)**

**Decision (in the absence of the Respondents)**

**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 6 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 3 months of the Respondents ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
  - 3.1. Notice to Leave
  - 3.2. Proof of Notification of Notice to Leave by email;
  - 3.3. Section 11 Notice;
  - 3.4. Proof of service; and
  - 3.5. Proof of instruction of sales agent.
4. Although the Application form stated that the Private Residential Tenancy agreement was provided, it was not with the case papers.
5. The tribunal's administration obtained the Title Sheet for the Property on 13 June 2025 which showed that the Applicant is registered proprietor of the Property.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 13 October 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 20 November 2025 at 1400h by teleconference. The Respondents were invited to make written representations in response to the Application by 3 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. The Respondents did not submit any written representations in response to the Application, or make any contact with the tribunal prior to the day of the CMD.

## **Case Management Discussion (CMD) 20 November 2025, 1400h: Teleconference**

8. Mr Brightey, from the Applicant's Representative attended on behalf of the Applicant.
9. The Respondents did not attend. The tribunal was satisfied on the basis of the certificate of service by Sheriff Officers that they had received the Application paperwork and notification of the CMD. The tribunal decided to proceed in their absence on the basis of the information before it and representations of the Applicant's Representative in terms of Rule 29 of the 2017 Rules.
10. Mr Brightey stated that the Applicant is seeking the eviction order to be granted.
11. He said that the tenancy started on 20 April 2018. When the property was first let the rent per month was £600 on 20<sup>th</sup> of each month. The landlord is looking to sell the Property. She has engaged Pacitti Jones, estate agent, who have carried out a valuation (with reference to the letter dated 12 May 2025.) Following that, Notice to Leave was served on the tenants by email on 11 March 2025.
12. He said that the landlord has a further two properties. Their intention is to sell those properties following this one. The landlord's husband passed away last year and she is still struggling to come to terms with that.
13. He also stated that the Respondents have been in arrears since October 2023. The issue has not improved from when it started, two years on until now. The landlord has had quite a stressful period of time since last year. As of today's date the arrears are £2214.00.
14. Mr Brightey stated that he and the landlord visited the property on 16 October 2025. The Respondent, Mr Mark Ewing was present and told them that a standing order had been set up on a weekly basis for £60. However, only two payments were received in October - £55 and £60 (by 31 October 2025) and nothing has been paid since then.
15. Mr Brightey said that Mr Ewing emailed them on 19 November 2025 (the day before the CMD). He said that he would not be present today because of a hospital appointment for his wife. In response, Mr Brightey told him to notify the tribunal.
16. The tribunal clerk checked the tribunal's inboxes and stated that there was no correspondence from either Respondent since the Application was accepted for determination.

17. Mr Brightey stated that since 17 October 2025 he has been trying to engage with the tenants in a more formal setting rather than email, using the pre action protocol SAL templates specifically in relation to the rent arrears to agree a more formal payment plan and he has sent three letters with no response on 17 October, 24 October and 31 October 2025.
18. Mr Brightey is not aware of any children in the household. He believes that Mark Ewing is employed and Deborah is not employed. He does not know if either are in receipt of any benefits. Neither respondent has engaged with the Applicant or their representative about their circumstances. There has been no engagement and no response to communications.
19. Mr Brightey stated that the property has not been adapted for disabilities.
20. Mr Brightey stated that Deborah Ewing became unwell in October 2023. To what degree that information has not been shared with them. That is when the arrears began to accrue. He stated that the landlord has been quite patient and open to working with them. However, with the landlord's husband passing last year, there is too much grief and stress associated with this property. She has therefore taken the decision to exit the market one property at a time. The landlord does not have a mortgage that Mr Brightey is aware of. Her reason for selling is based on her own personal circumstances and a desire to exit the landlord market.
21. The tribunal adjourned to deliberate. During the adjournment, the tribunal clerk stated that the tribunal's administration had received an email from the first Respondent at 1057 which had just been processed. Mr Ewing stated:
- 'Hi I'm mark ewing got an meeting at 2pm might not be able to make it coming back ... at the time we have a new flat and just need time to clear the remaining stuff out of the flat end of next week at the latest... Reference number FTS/HPC/EV/25/2460 try me best to phone but don't know what time i will be home Yours faithfully mark ewing [sic]'.*
22. The tribunal considered the communication and was satisfied that the Respondents were not requesting a postponement; were not stating any opposition to the CMD proceeding in absence; were not stating any defence to the Application; and were not opposing an eviction order being made. As stated, they intend to remove from the Property next week.
23. The tribunal re-convened in absence of the Respondents and the tribunal chair read the full contents of the email to the Applicant's Representative and also stated the tribunal's approach, discussed in the paragraph, above. The tribunal gave its decision orally to the Applicant's Representative in absence of the Respondents.

**24. The tribunal makes the following findings-in-fact:**

- 24.1. The Applicant is the registered proprietor of the Property.
- 24.2. The Applicant entered into a private residential tenancy with the Respondents with a start date of 20 April 2018.
- 24.3. The Applicant has been recently widowed and wishes to exit the landlord market.
- 24.4. The Applicant requires to sell the Property with vacant possession.
- 24.5. Notice to Leave has been served on the Respondents on 11 March 2025 under Ground 1 of Schedule 3.
- 24.6. The Respondents have accrued rent arrears in relation to the tenancy.
- 24.7. The rent arrears as at 20 November 2025 are £2214.00.
- 24.8. The Respondents have not responded to three pre-action protocol letters sent in October 2025 and have not proposed or entered into any formal payment plan.
- 24.9. The Respondents intend to vacate the Property.
- 24.10. The Respondents have another property to move into and intend to move in or about November 2025.
- 24.11. There are no children under 16 in the Property.

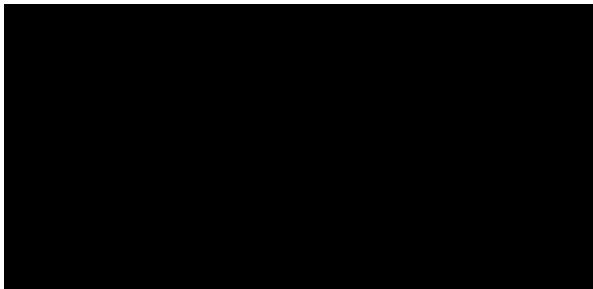
**Discussion**

- 25. The Application for an order for eviction was not opposed. The Respondents have not engaged with the tribunal proceedings at all until the said email above sent on the morning of the CMD. The tribunal was satisfied on the basis of the Applicant's Representative's submissions and the said email from the Respondents that the Respondents are aware of the Application for eviction, have located alternative accommodation and intend to move within the next week.
- 26. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
- 27. The tribunal was satisfied that in all the circumstances, it was reasonable to make an order for eviction.

28. 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.**



**20 November 2025**