



**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/25/1853**

**Re: Property at Flat 2, 2 Mavisbank Gardens, Glasgow, G51 1HG (“the Property”)**

**Parties:**

**Mr Charles Muir, 25 Kelvin Court, Great Western Rd, Glasgow, G12 0AD (“the Applicant”)**

**Mr Andrew Hamilton, Flat 2, 2 Mavisbank Gardens, Glasgow, G51 1HG (“the Respondent”)**

**Tribunal Members:**

**Alison Kelly (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.**

**Background**

1. On 29<sup>th</sup> April 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
  
2. Lodged with the application were: -
  - a. Copy Private Residential Tenancy Agreement showing a commencement date of 17<sup>th</sup> June 2021 and a rent of £600 per month;
  - b. Copy Notice to Leave dated 15<sup>th</sup> December 2024;

- c. Copy email dated 15<sup>th</sup> December 2024 to the Respondent serving the Notice to Leave;
- d. Section 11 Notice and proof of service;
- e. Letter from Indigo Square Estate Agents, dated 2<sup>nd</sup> April 2025 in relation to instructions for sale of the property.

3. The Application was served on the Respondent by Sheriff Officers on 30<sup>th</sup> October 2025.

### **Case Management Discussion**

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr Gilmour of Indigo Square Letting Agents. The Respondent represented himself.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
6. Mr Gilmour sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 21016. He said that the Applicant intended to sell the property, or at least put it up for sale, within three months of the Respondent vacating it. He said that the Applicant needed to sell because he was 81 years of age, his health had deteriorated recently and he wished to move to the West End of Glasgow to be near his daughter. He was renting a flat near her at the current time and would be selling his own home in Johnstone, and this property, to finance a purchase. He confirmed that there were no rent arrears.
7. The Respondent said that he was not opposed to the Order being granted and he considered it to be reasonable. He was sorry that he had not yet been able to move out but that was because he had not been able to secure new accommodation. He said that the Applicant had been a great landlord. The Respondent said that he now needs two bedroom accommodation as he has shared care of his twelve year old daughter. He works full time as a chef, but private rents are out of his price range. He has registered with several Housing Associations and has amassed around 100 points, but he appreciates they might not be able to assist until he has an eviction order.

### **Findings in Fact**

- i. The parties entered into a Private Residential Tenancy Agreement in respect of the property;
- ii. The tenancy commenced on 17<sup>th</sup> June 2021;
- iii. A Notice To Leave, dated 15<sup>th</sup> December 2024, was served on the Respondent;
- iv. A section 11 notice was served on the local authority;

- v. The Application was served on the Respondent by Sheriff Officer on 30<sup>th</sup> October 2025;
- vi. The Applicant intends to sell or market for sale the property within three months of the Respondent vacating;
- vii. The Applicant has instructed Indigo Square Estate Agents in relation to sale of the property;
- viii. The Applicant has experienced a decline in his health;
- ix. The Applicant requires to sell the property, and his own home, to be able to purchase a property in Glasgow to be near to his daughter;
- x. There are no rent arrears;
- xi. The Respondent is in full time employment and has share care of his twelve year old daughter;
- xii. The Respondent requires two bedroom accommodation.

## **Reasons for Decision**

- 8. Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 is as follows:
  - (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.
- 9. The Tribunal is of the view that the Applicant had established Ground 1 by provision of the Letter from Indigo Square Estate Agents, dated 2<sup>nd</sup> April 2025 in relation to instructions for sale of the property The Tribunal therefore has to exercise its discretion in applying the facts to decide if it is reasonable to grant

the order. The Tribunal accepted the Applicant's reasons for wishing to sell and considers them reasonable. The Respondent is not opposed to the order being granted.

10. The Tribunal has decided that given the time of year, and the fact that there are no rent arrears to suspend extract of the Order until 13<sup>th</sup> February 2026.

### **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.**

# **Alison Kelly**

19<sup>th</sup> December 2025

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**Legal Member/Chair**

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**Date**