

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

Chamber Ref: FTS/HPC/EV/25/2099

Re: Property at 21 Alclutha Avenue, Dumbarton, G82 2NY (“the Property”)

Parties:

Mrs Connie O'Sullivan, Mr Robert O'Sullivan, 69 Strathleven Drive, Alexandria, G83 9PG (“the Applicants”)

Miss Jade Young, Mathew Curtis, 21 Alclutha Avenue, Dumbarton, G82 2NY (“the Respondents”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms J Heppenstall (Ordinary Member)

Decision

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

Background

1. This is a Rule 109 application whereby the Applicants are seeking an eviction order under ground 1. The Applicants lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 1st October 2021, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officer on 4th November 2025.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 7th January 2026. The Applicants were in attendance. The Respondent, Ms Young, was in attendance. Ms Young said Mr Curtis no longer resides at the Property. Ms Young confirmed Mr Curtis had received service of the application and notification of the CMD, and did not intend to attend.

4. Ms O'Sullivan said the Applicants are seeking an eviction order. They wish to sell the Property due to their age and health issues. The Applicants are retired and are no longer able to continue letting the Property. The Applicants have one other property to let, which will probably have to be sold.
5. Ms Young said she is not opposing the order as the Applicants require to sell the Property, and have been fantastic landlords. Ms Young said she and her two children have outgrown the two-bedroomed Property. Ms Young has a housing officer at the local authority and has been in discussion regarding homelessness. She has been told to inform the local authority of the decision of the CMD. There has been some discussion with the housing officer about the family being moved to temporary accommodation pending permanent housing being made available. Ms Young said her son has medical needs and the local authority is aware of this.

Findings in Fact and Law

6.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 1st October 2021.
 - (ii) Notice to leave has been served upon the Respondents.
 - (iii) The Applicants intend to sell the Property.
 - (iv) The Applicants are entitled to sell the Property.
 - (v) The Applicants intend to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

7. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
8. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.

9. The Applicants no longer wish to let the Property due to their age and health issues. They wish to sell the Property.
10. The Tribunal took into account the fact that there are two children in the Property, however, the Respondent, Ms Young, does not wish to remain in the Property, which is no longer suitable for her family's needs. She is actively seeking suitable social housing and hopes that a decision in terms of housing will be made if an order is granted.
11. The Tribunal considered it was reasonable to grant the order sought.

Decision

12. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 10th 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.

H Forbes

Legal Member/Chair

Date: 7th January 2026