



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/2055

Re: Property at 107 Drumcross Road, Glasgow, G53 5LL (“the Property”)

Parties:

Mr Harry Morris, 1a Glasgow Road, Waterfoot Bank, Glasgow, G76 0ES (“the Applicant”) per his agents Complete Clarity Solicitors & Simplicity Legal, 34, Woodlands Road, Glasgow, G3 6UR (“the Applicant’s Agents”)

Ms Corinne Rowley, 107 Drumcross Road, Glasgow, G53 5LL (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Elaine Munroe (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory process and the Ground for recovery of possession having been established, it is reasonable to grant the Order sought.

Background

1. By application received on 14 May 2025 (“the Application”), the Applicant ‘s Agents on his behalf applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 1 of Schedule 3 to the 2016 Act.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties;
 - ii) copy Notice to Leave in terms of Grounds 1, the landlord intends to sell the Property, of Schedule 3 to the Act together with proof of sending;
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Glasgow City Council being the relevant local authority and
 - iv) evidence of intention to sell.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 6 January 2026 at 10.00 am by telephone conference. The CMD was intimated to the Parties and, in particular, to the Respondent by Sheriff Officer service on 3 November 2025.

CMD

4. The CMD took place on 6 January 2026 at 10.00 by telephone conference. The Applicant, Mr. Morris, was not present and was represented by Ms. Hamilton of the Applicant’s Agents. Ms. Rowley, the Respondent, was not present and was not represented. She did not submit written representations. The Tribunal was satisfied that she was aware of the proceedings and so proceeded in her absence.
5. The Application was heard alongside application FTS/HPC/CV/25/2435 between the same Parties seeking an Order for payment of rent due and owing in respect of the Property.
6. Ms. Hamilton for Mr. Morris confirmed that an Order for eviction is sought. She explained that the Property is Mr. Morris’s only rental property and that he

requires to sell the Property due to his ill health, which continues to deteriorate, and so, it is no longer viable for him to continue as a landlord.

7. With regard to Ms. Rowley, Ms. Hamilton stated that, as far as she was aware, Ms. Rowley lived alone as Ms. Rowley's two school age children no longer reside at the Property. Ms. Hamilton stated that, as far as she was aware, Ms. Rowley's conduct as a tenant has become intolerable as Mr. Morris has received reports of anti-social behaviour and arrears of rent of £5,400.00 have accrued since March 2025.

Findings in Fact

8. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties;
 - ii) The Applicant requires to sell the Property due to his worsening health and intends to sell;
 - iii) The correct statutory procedures have been carried out;
 - iv) The Respondent is a single person with no dependents residing with her at the Property;
 - v) The Respondent has stopped paying rent and
 - vi) The Respondent has not opposed the Application.

Rule 17 (4) of the Rules

9. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal "*may do anything at a case management discussionincluding making a decision*". The Tribunal took the view that it had sufficient information to make a decision and so proceeded to determine the Application.

Issue for the Tribunal

10. The issue for the Tribunal was to determine whether or not to grant the Order sought. The Ground on which the Application proceeds is Ground 1 which

states “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 subparagraph (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.”

- 11.The statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the Order. The Tribunal took the view that it had sufficient information to make a decision on reasonableness and so proceeded to determine the Application.

Decision and Reasons for Decision

- 12.The Tribunal must establish, consider and properly weigh the “whole of the circumstances in which the application is made” (Barclay v Hannah 1947 S.C. 245 at 249 per Lord Moncrieff) when deciding whether it is reasonable to grant an order for possession.
- 13.The Tribunal had regard to the facts that the Respondent’s health is deteriorating, that it is no longer viable for him to continue as a landlord of the Property and that he intends to sell the Property. The Tribunal noted that the Respondent does not oppose the Application. The Tribunal had regard to the Respondent’s circumstances and noted that, although she is a single person with no dependents, she is entitled to advice and assistance in terms of the homelessness legislation. The Tribunal took the view that the Respondent’s conduct in respect of failure to pay rent has rendered it untenable for her to continue as a tenant in the Property. The Tribunal found that the Applicant’s entitlement and intention to sell the Property outweighed the Respondent’s entitlement to remain in the Property. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction Order.
- 14.This decision is unanimous.

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.

Karen Moore

Legal Member/Chair

6 January 2026

Date