



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/EV/25/3127**

**Property at Flat 1/5, 87 Dunlop Street, Glasgow, G1 4ET (“the Property”)**

**Parties:**

**Mrs Ann Clarkson, The Glebe, Kilmelford, Oban, PA34 4XF (“the Applicant”)**

**Miss Zainab Ali, Flat 1/5, 87 Dunlop Street, Glasgow, G1 4ET (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the order until 27 April 2026 in terms of Rule 16A(d) of the Tribunal Procedure Rules 2017.**

**Background**

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the 2016 Act. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 20 February 2026 at 2pm.
2. Prior to the CMD, the Respondent requested a postponement of the CMD. She stated that she is disabled, that she planned to vacate the property by 8 March 2026, that she had some problems in relation to instructing a legal representative, that the property had been affected by disrepair and that the separate claim by the landlord for rent arrears should not be considered as she

had not been provided with a copy of that application. The Applicant notified the Tribunal that the postponement request was opposed, as the Respondent had incurred rent arrears of over £7560. The Tribunal refused the postponement request.

3. The CMD took place on 20 February 2026. The Applicant was represented by Mr Lambert. The Respondent participated.

### **The CMD**

4. The Legal Member dealt with some preliminary matters at the start of the CMD. The Respondent was told that the only application before the Tribunal was an application for an eviction order on ground 1 – landlord intends to sell the let property. If the rent arrears alleged by the Applicant were discussed, it would only be in relation to the reasonableness of granting an order. She was also advised that her medical evidence could not be considered, as she had refused to agree to this being given to the Applicant. The Legal Member explained that both parties were entitled to see the evidence being considered by the Tribunal and that it would be unfair on the Applicant to take it into account in the circumstances.
5. In response to a question from the Tribunal, Ms Ali said that she had no reason to oppose the application. She intends to move out on 8 March 2026, although she does not have a fixed date for her return home. It has been difficult to get this arranged due to her health conditions. She is returning home for medical treatment as she has been unable to get the treatment she needs in the UK. In response to a question about whether she would require additional time, if the order is granted, she said that some additional time would be beneficial.
6. Mr Lambert told the Tribunal that the property is no longer a viable investment for the Applicant. There are increased costs such as factoring charges and common repairs. It's also a good time to sell. The Applicant has one other rental property but is only selling this property at the moment. The other is smaller. The decision was taken in 2024 and a Notice to leave was served. However, they wanted to give the Respondent more time to move out and when they applied to the Tribunal the 6-month period allowed for using that Notice to leave had passed and they had to start again. Mr Lambert confirmed that the rent arrears are now £8820, however the decision to sell was made before the rent payments stopped.
7. Ms Ali said that she fully intends to leave the property. In the short term she can stay with friends, if required. She explained that she is not working. She is a student and when her funding stopped, she had to rely on financial support from her family. After that, she lived off her savings until they ran out. The rent arrears are because she has no source of funds. She intended to return home 6 months ago but was too ill. She is still completing work for her degree. She is not entitled to benefits.
8. In relation to the question of a possible delay in enforcement, the Respondent said an extra 10 days would be helpful. Mr Lambert said that this would not be

opposed, as long as the order is granted.

### **Findings in Fact**

9. The Applicant is the owner and landlord of the property.
10. The Respondent is the tenant of the property.
11. The tenancy is a private residential tenancy.
12. The Applicant intends to sell the property.
13. The Applicant served a Notice to leave on the Respondent on 17 April 2025.
14. The Applicant has decided to sell as the costs associated with the property now exceed the rental income and she is not making a profit.
15. The Respondent does not oppose the eviction order. She intends to return home due to ill health and no longer has access to funds to pay rent in the UK
16. The Respondent owe the sum of £8820 in unpaid rent.

### **Reasons for Decision**

17. The application was submitted with a Notice to Leave dated 17 April 2025 together with a copy of an email which establishes that it was sent to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 14 July 2025.
18. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
19. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
20. Ground 1 of schedule 3 (as amended) states, "(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.”

21. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
22. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
  - (a) The Respondent does not oppose the order. Although she has no firm arrangements in place, she intends to return to her home country due to health issues and the lack of access to funds to remain in the UK.
  - (b) The Respondent has incurred significant rent arrears and does not have the necessary funds to meet the monthly rent charge.
  - (c) Even before the Respondent stopped paying rent, the Applicant had decided to sell as the costs associated with the property exceed the rental income and she is no longer making a profit on the investment.
23. The Tribunal concludes that the Applicant have complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 22 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.
24. The Tribunal then considered whether to order a delay in enforcement of the order in terms of Rule 16A(d) of the Procedure Rules. The Applicant only requested an additional 10 days, which was not opposed by the Applicant. In the circumstances the Tribunal determined that an order should be granted to delay enforcement of the order until 27 April 2026.

## **Decision**

25. The Tribunal determines that an eviction order should be granted against the Respondent.

## **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.**

**Josephine Bonnar, Legal Member**

**5 March 2026**