



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/25/3256

Re: Property at Flat 2/2, 78 Westmoreland Street, Glasgow, G42 8LQ (“the Property”)

Parties:

Ms Pegah Monem, 35 Devonshire Road,, Mill Hill, London, NW7 1NE (“the Applicant”)

Miss Nicoleta Covaci, Flat 2/2, 78 Westmoreland Street, Glasgow, G42 8LQ (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

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

Background and Case Management Discussion

1. The respondent has been a tenant of the property under the present tenancy since October 2021.
2. The applicant is the landlord and owned the property since 2020.
3. The applicant explained that she lives in London and the property is the only property that she lets out to tenants.
4. The applicant explained that she wished to sell the property as it was becoming difficult to manage the property being in London. The applicant also explained that the tenant had become a source of nuisance to neighbouring proprietors.

Neighbouring proprietors have contacted the applicant through her father about noise issues and other behaviour involving tampering with a lock to a door.

5. The applicant stated that the tenant has stopped paying rent since being served with the notice.
6. There was a discussion about the wrong ground for possession being specified on the first Notice to Leave served. The Tribunal was satisfied that this was a genuine error by the letting agent and that, in any event, a subsequent corrected Notice to Leave was served on the Respondent and lodged with the Tribunal. The Tribunal was satisfied that it was reasonable to allow that Notice to Leave to be accepted, the error having arisen from a genuine oversight by the letting agents. There was no evidence from the Respondent that the oversight had caused any prejudice.
7. The applicant explained that she had taken advice and was advised that it would be difficult to sell the property with a sitting tenant that was refusing to pay rent.
8. The respondent has refused to engage in any discussions with the applicant regarding the proposed sale.
9. Evidence has been produced by the applicant from an estate agent demonstrating the desire to sell the property.

Findings In Fact & Decision

10. That the applicant genuinely wishes to sell the property and produced evidence supporting such an intention..
11. That the applicant intends to market the property as soon as she is able to have the tenant removed from the property.
12. That the applicant finds it difficult to manage the property from London.
13. That the market for a property with a sitting tenant who refuses to pay any rent will be small and is likely to have a significantly adverse effect on the value of the property on the open market.
14. That in all the circumstances it would be reasonable to grant the order for eviction to enable the property to be sold.

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.

Graham Dunlop

Legal Member/Chair

Date 5th March 2026