



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/3647

Re: Property at 8J Ellisland Road, Cumbernauld, G67 2HD (“the Property”)

Parties:

Ms Lisa Grier, 15J Tarbolton Road, Cumbernauld, G67 2AH (“the Applicant”)

Viktorija Kuptsova and Manraj Singh, 8J Ellisland Road, Cumbernauld, G67 2HD (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Helen Barclay (Ordinary Member) (“the tribunal”)

Decision (in absence of the Respondent)

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

Background

1. On 26 August 2025, the Applicant’s agents submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction on Ground 1, Part 3 of Schedule 3 of the 2016.
2. On 8 September 2025, the original application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 4 March 2026.

The case management discussion

4. Mr Robert Nixon from Ritehome Ltd, letting agents, represented the Applicant who was not present.
5. The Respondents were not present.
6. There was no appearance by the Respondents and it was noted that intimation of the case management discussion had been made by sheriff officer on 16 January 2026. The tribunal decided to continue in the absence of the Respondents.
7. The Legal Member explained the purpose of a case management discussion.
8. Mr Nixon invited the tribunal to determine the application without adjourning the matter to a hearing and to issue an eviction order under Rule 101 of the Tribunal Rules on the grounds that the conditions set out in Ground 1 have been met.
9. Mr Nixon referred to the Home Report and solicitor's offer for the Property which had been submitted with the application. He explained that the Respondents had been advised of the Applicant's intention to sell the Property and had cooperated with the agents in respect of this. They allowed access for a Home Report to be carried out and they allowed viewers.
10. Mr Nixon said that the offer from NM Legal, which was submitted on behalf of a purchaser, was dated 24 June 2025. He said that a notice to leave had been served on the Respondents and they had not vacated the Property at the end of the notice period. He said that the prospective purchasers, who submitted the offer, are still willing to proceed.
11. Mr Nixon said that the Respondents have continued to pay rent and that there are no arrears.

12. Findings in Fact

- (i) The Applicant owns the Property.
- (ii) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 5 December 2022.
- (iii) The tenancy commenced on 15 December 2022.
- (iv) The monthly rent due under the private residential tenancy is £495
- (v) The Applicant intends to sell the Property.

13. Finding in Fact and Law

It is reasonable to grant the order of eviction.

14. Documents before Tribunal

- (i) Title Sheet to the Property (DMB79238)
- (ii) Private residential tenancy agreement.
- (iii) Copy Notice to Leave dated 13 May 2025.
- (iv) Copy Section 11 intimation to local authority.
- (v) Formal offer for the Property dated 24 June 2025.
- (vi) Home Report date 24 January 2025.

15. The Law

Section 51 of the 2016 Act:

First-tier Tribunal's power to issue an eviction order

(1) The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

Ground 1, Part 3 of Schedule 3 of the 2016 Act

Landlord intends to sell

1(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.

Determination of whether Ground 1 had been met

16. The tribunal was satisfied that there was no requirement for determination of the application to be adjourned to a hearing.
17. The tribunal was satisfied that the Applicant intends to sell the Property. The Home Report and formal offer provided compelling evidence.
18. The Respondents had the opportunity to make written representations and/or attend the case management discussion. They chose not to do so.
19. The tribunal determined that Ground 1 had been met and that it required to consider if it was reasonable to grant the order of eviction.

Reasonableness

20. Mr Nixon said that the Applicant has only one property in the rental market and that she has decided to sell because it is less economically viable than because of increasing costs of compliance and the level of rent she is receiving.
21. Mr Nixon said that he knows little about the Respondents' personal circumstances. He said that, as far as he knew, there are no children residing in the Property. He said that he understands that the Respondents have not vacated the Property because they cannot find suitable accommodation. Mr Nixon said that the rent passing for the Property was approaching the market rent and he thought that it should be possible for the Respondents to find suitable housing.

Reasons for Decision

22. The tribunal was satisfied that the Notice to Leave was in appropriate terms and had been served on the Respondent. The tribunal was satisfied that the appropriate notice had been served on the local authority.
23. The tribunal was satisfied that the Applicant owns the Property and is therefore entitled to sell it.

24. The tribunal required to consider whether or not the granting of an order of eviction was reasonable. It is a matter of judicial discretion and, in considering reasonableness, a balancing exercise requires to be undertaken.

25. The Applicant's position was clear and, in the absence of opposition, was reasonable.

26. The Respondents had chosen not to engage with the Tribunal process and offered no opposition to the application.

Decision

27. The tribunal determined that the application should be granted and that an eviction order should be made.

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.

Martin McAllister

**Martin J. McAllister
Legal Member
4 March 2026**