



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/25/0907

Re: Property at Flat 3/3, 271 Sauchiehall Street, Glasgow, G2 3HQ (“the Property”)

Parties:

McMaster (Holdings) Ltd, Unit 10 Centre Point, 25 Lorne Road, Glasgow, G52 4HG (“the Applicant”)

Mr Rayman Jilani, Flat 3/3, 271 Sauchiehall Street, Glasgow, G2 3HQ (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act, with execution of the order suspended for a period of 12 weeks.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 15 June 2026.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The application was conjoined with an application for a payment order under section 71 of the 2016 Act and rule 111 of the Rules. The Applicant relied upon ground 1 as the ground for possession, stating their intention to sell the property.

- 2 The applications were referred to a case management discussion (“CMD”) to take place by teleconference on 10 November 2025. The Tribunal gave notice of the CMD to the parties in accordance with rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers.
- 3 Both parties were invited to make written representations in advance of the CMD. On 20 October 2025 the Tribunal received written representations from the Respondent. On 22 October 2025 and 6 November 2025 the Tribunal received updated rent statements from the Applicant’s representative, Cowan and Co.

The CMD

- 4 The CMD took place on 10 November 2025. The Applicant was represented by Mr Scott McMaster, who was joined by Mrs Irene McMaster as a supporter. The Respondent also joined the call. Mr McMaster explained that his solicitor was unwell and unable to attend the hearing but he was content to represent the Applicant.
- 5 The Applicant sought an eviction order on the ground that they intend to sell the property. They are a small family business, renting out a few properties within Glasgow. They have a small staff who rely on a wage from the company. The rents received are insufficient therefore in accordance with the Applicant’s business plan they require to sell a property on almost an annual basis. The Applicant has identified this property as a property to sell. The Applicant has been struggling over the past year. They are looking to sell the property as soon as possible. The Applicant has 12 properties. They have sold off other properties over a number of years, around 10 or 12. They have instructed Cowan and Co to proceed with the conveyancing for the sale of this property. If the Tribunal made an eviction order, the property would be put on the market as soon as possible once any maintenance issues are dealt with.
- 6 The Respondent summarised his written response. He believes the notice to leave was retaliatory after he disputed a rent increase and repairs to the property. The eviction order would be unreasonable on that basis. He does not believe the Applicant has produced sufficient evidence of their intention to sell, but he does not have any evidence to the contrary. He does not believe the Applicant’s intention is genuine. The Respondent also has some health challenges. It would take considerable time for him to remove from the property, at least a few months.
- 7 Mr McMaster reiterated that the Applicant is struggling. They require to sell the property for the business to stay afloat. The Respondent has had over a year to find alternative accommodation. Mr McMaster confirmed that the Applicant has a couple of other properties in the same block. They don’t want to be overexposed, particularly as there are plans for a new development in the area which may be detrimental to the Applicant’s properties. The Applicant does not wish to have properties in the area anymore.
- 8 Having heard from the parties, the Legal Member identified the issue to be resolved in the application as whether it was reasonable to grant an eviction

order. The Legal Member further noted that the Respondent disputed whether the Applicant's intention to sell was in fact genuine. The Legal Member therefore determined to refer the application to an evidential hearing.

- 9 The Tribunal issued a Direction following the CMD requiring parties to submit documentary evidence and details of witnesses. On 26 January 2026 the Tribunal received an email from the Applicant's representative with a letter from Westgate Estate Agents. No response to the Direction was received from the Respondent.

The hearing

- 10 The hearing was scheduled to take place on 23 March 2026 by teleconference. On 27 February 2026 the Respondent submitted a request for postponement of the hearing on the basis that he had been unable to obtain legal representation. On 5 March 2026 the Tribunal emailed the Respondent requesting he provide evidence in support of his request. The Respondent replied by email dated 8 March 2026 with copy correspondence between himself and various law firms and advice agencies. Due to an administrative oversight, the Respondent's email of 8 March was not passed to the tribunal members.
- 11 The hearing proceeded by teleconference on 23 March 2026. The Applicant was represented by Mr Scott McMaster. The Respondent also joined the call.
- 12 As a preliminary matter, the tribunal considered the Respondent's request for postponement of the hearing. The Respondent explained that he found it difficult to find legal representation and was looking for additional time. The Respondent advised that he was aware that the Applicant was legally represented and he did not want to feel as if he was at an unfair advantage. He was hopeful that some of the firms may have availability in the coming weeks. He confirmed that he would be able to proceed with the hearing if his request for postponement was refused.
- 13 Mr McMaster explained that the Applicant was not legally represented, and his solicitor had only been engaged to assist with the administrative matters in the case. Mr McMaster noted that the notice to leave had been given to the Respondent back in November 2024, which was a reasonable period in which the Respondent could have sought legal advice and gotten representation if required. The Applicant was keen to proceed as the matter was business critical.
- 14 The tribunal adjourned the hearing to deliberate, at which point all parties left the call, before resuming the proceedings. The tribunal determined to refuse the postponement request. The tribunal considered the fact that the Applicant was not legally represented for the purpose of the hearing and therefore the parties were on an equal footing. The tribunal could identify no prejudice to the Respondent were the hearing to proceed. He had shown himself capable of representing himself at the CMD and had been able to submit a comprehensive

response to the application. The tribunal therefore determined to proceed with the hearing.

- 15 The tribunal had before it the application and supporting documents including the tenancy agreement, notice to leave and evidence of service, notice under section 11 of the Homelessness etc (Scotland) Act 2003, rent statements, and affidavit. The tribunal also had the Respondent's response to the application, including emails between the Respondent, the Applicant and third parties, photographs, rent increase notice, copy correspondence from the Citizens Advice Bureau and notice to leave, and the Applicant's response to the Direction.
- 16 The tribunal heard oral evidence from the parties. The following is a summary of the key elements of the evidence.
- 17 Mr McMaster gave evidence regarding the history of the company, the business plan which involves selling off the rental portfolio in stages at a rate of around one to two properties per year, the Applicant's reasons for selling this property and the timescales for doing so. Mr McMaster invited the tribunal to find that the eviction ground had been met.
- 18 The Respondent gave evidence regarding the timeline of events leading up to the notice to leave, disputes with the Applicant regarding repairs required to the property, his scepticism over the Applicant's intention to sell, the potential impact of eviction on his health, and the challenges in securing alternative accommodation. He invited the tribunal to consider the chronology and overall context of the case, as he believes the application is retaliatory. If the tribunal were minded to make an eviction order, he asked that he be given around eight to twelve weeks to source another tenancy.
- 19 Both parties were given the opportunity to cross-examine each other, and to make closing submissions.

Findings in fact

- 20 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy which commenced on 21 September 2022.
- 21 The Applicant has given the Respondent a notice to leave within the meaning of section 62 of the 2016 Act. The notice to leave includes ground 1.
- 22 The Applicant gave the local authority a notice under section 11 of the Homelessness etc (Scotland) Act 2003 at the time of making this application.
- 23 The Applicant is entitled to sell the property as the registered owner.
- 24 The Applicant intends to sell, or market the property for sale, within three months of the Respondent ceasing to occupy.

- 25 The Applicant is a limited company. The company was founded by the father of Mr Scott McMaster as part of a retirement plan. Mr McMaster's father passed away in 2015.
- 26 The income from the Applicant's portfolio is relied upon by Mr McMaster's mother as her sole income. Mr McMaster's mother is retired.
- 27 The Applicant has a business plan which involves selling off the rental portfolio on a staged basis, at the rate of around 1 to 2 properties per year. The Applicant, following the advice of their estate agent, has identified this property as suitable for sale. The property will require a schedule of upgrading which the Applicant cannot fund.
- 28 The Applicant has two other properties in the same building. The Applicant previously carried out repairs to these properties due to damage by the previous tenants. The Applicant wishes to recoup the repair costs from the rental income prior to selling the two properties.
- 29 The rental income from the rental portfolio does not provide Mr McMaster's mother with sufficient funds and meet the Applicant's operating costs. The Applicant requires the capital from the sale of the properties on an ongoing basis to meet its financial obligations.
- 30 There have been various repairs required to the property during the Respondent's tenancy. Disputes have arisen between the Applicant and Respondent over the repairs.
- 31 The rent for the property was increased from £775 per month to £885.10 per month in August 2024. The Respondent has continued to pay the original rent, resulting in rent arrears accruing in the sum of £1650.15. The Respondent does not believe the rent increase was justified.
- 32 The Respondent resides in the property alone.
- 33 The Respondent has not sourced alternative accommodation.

Reasons for decision

- 34 The tribunal considered all documentary evidence from the parties, the oral evidence from the hearing and the submissions in determining whether paragraph 1 of schedule 3 of the 2016 Act is met in this case.
- 35 Section 51 of the 2016 Act provides that "*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.*"

36 Section 52 of the 2016 Act goes on to state that “*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.*” The tribunal had before it a copy of a notice to leave in the prescribed form that had been sent to the Respondent which cites ground 1 of schedule 3 of the 2016 Act. The tribunal was also satisfied that the Applicant had sent notice under section 11 of the Homelessness etc (Scotland) Act 2003 to the local authority in accordance with the requirements of section 56 of the 2016 Act.

37 The tribunal considered the terms of ground 1, which are contained in paragraph 1 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.”

38 The tribunal determined based on the evidence before it that the Applicant is entitled to sell the property as the registered owner and intends to do so within three months of the Respondents vacating. The Tribunal accepted the evidence from Mr McMaster on this point, which was supported by an affidavit and letter from Westgate Estate Agents. Whilst the Respondent had questioned whether the Applicant’s intention to sell was genuine, he had not provided any clear evidence to support this. The chronology of events leading up to the service of the notice to leave as narrated by the Respondent may provide some explanation as to why the Applicant has chosen to sell this property, but in the view of the tribunal it is not evidence that the Applicant does not now intend to do so. The tribunal accepted that the Applicant has a business plan in place which involves a staged sale of the rental properties on an annual basis, and that this is necessary in order to continue meeting the operating costs which are not covered by the rental income. Mr McMaster’s submissions on this point were supported by the letter from Westgate Estate Agents who had been advising them on the matter.

39 The tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.

- 40 The tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraphs 1(2)(c) of schedule 3 of the 2016 Act. Reasonableness is a matter of judicial discretion and involves the tribunal identifying those factors relevant to reasonableness in order to determine which should be given most weight.
- 41 The tribunal accepted on the balance of probabilities that the disputes between the parties over the repairs to the property, and the Respondent's failure to pay the increased rent, may have been a factor in the Applicant's decision to sell the property, in addition to the reasons outlined by Mr McMaster. However, the tribunal determined to give more weight to the Applicant's property rights and their entitlement to sell the property as the registered owner, if that is their wish. The tribunal accepted that the Applicant has a business plan in place that ensures they can continue to meet their costs from a combination of both the rental income and the capital proceeds from the sale of the portfolio, and that the plan will eventually result in all properties being sold off. In terms of the sequencing of when their properties are sold, the tribunal determined that this was ultimately a matter for the Applicant to decide.
- 42 The tribunal carefully considered the Respondents' circumstances. The tribunal noted that he resides alone in the property. He referenced health conditions during the hearing which affect his housing needs, but he did not provide further detail, stating he would need further time to articulate these. The tribunal was therefore unable to make any findings regarding the Respondent's health. Whilst the impact of eviction upon the Respondent was a cause for concern in general terms, the tribunal considered that said impact could be mitigated by a suspension of the order to provide the Respondent with sufficient time to obtain alternative accommodation. The tribunal did not therefore consider that the Respondent's personal circumstances outweighed the reasonableness of making an eviction order.
- 43 Accordingly, having carefully considered all the circumstances of this case as they pertain to reasonableness, the tribunal concluded that the balance weighed in favour of making an eviction order. The tribunal therefore determined that the provisions of paragraph 1 of schedule 3 of the 2016 Act had been met and made an eviction order under section 51 of the 2016 Act, with execution of the order suspended for a period of 12 weeks.
- 44 The decision of the tribunal was 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.



Legal Member/Chair

Date: 23 March 2026