



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 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/4598

Re: Property at 66 Sillars Meadow, Irvine, KA12 0LZ (“the Property”)

Parties:

Muna Geilani, 1/3 32 Minard Road, Glasgow, G41 2HW (“the Applicant”) per her agents, Messrs. Bannatyne Kirkwood France & Co., 16, Royal Exchange Square, Glasgow, G1 3AG (“the Applicant’s Agents”)

Craig Aston, Gail Aston, Nathan Aston, Devon Aston, 66 Sillars Meadow, Irvine, KA12 0LZ (“the Respondents”)

Tribunal Members:

Karen Moore (Legal Member) and Robert Buchan (Ordinary Member)

Decision

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 9 December 2024 (“the Application”) the Applicant’s Agents applied on her behalf to the Tribunal for an Order for eviction and possession of the Property based on Grounds 1 of Schedule 3 to the 2016 Act, landlord intends to sell the let property.

2. The Application comprised the following:

- i) copy of a Private residential tenancy agreement between the Parties;
- ii) copy Notice to Leave in terms of Ground 1 of Schedule 3 to the Act with proof of issue to the Respondents;
- iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to North Ayrshire Council being the relevant local authority and
- iv) evidence of intention to sell as required by the 2016 Act.

3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (“CMD”) was fixed for 16 April 2026 at 10.00 by telephone conference and intimated to the Parties, and, in particular, to the Respondents by Sheriff Officer on 3 March 2026.

CMD

4. The CMD took place on 16 April 2026 at 10.00 by telephone. The Applicant was not present and was represented by Ms. Capaldi of the Applicant’s Agents. The first-named Respondent, Mr. Aston, was present and represented the other Respondents.

5. At the CMD, the Tribunal explained that it had to be satisfied that the statutory procedure had been carried out properly, that the ground for the Order was evidenced and that it was reasonable on those facts to grant the Order. The Tribunal advised that, on the face of it, the Tribunal was satisfied in respect of the statutory procedure and Ground 1 but required further information in respect of the circumstances of the Parties to determine if it was reasonable to grant the Order.

6. Ms. Capaldi confirmed that an Order for eviction is sought and stated that the Applicant intends to market the Property when vacant possession is obtained.

7. Mr. Aston advised that there was no opposition to the Application and explained that he has arranged alternative suitable accommodation being a private tenancy with an expected entry date of 18 May 2026. He explained that Mrs. Gail Aston has already vacated the Property and resides elsewhere.

8. Following a short discussion, Ms. Capaldi for the Applicant and Mr. Aston agreed that an Order with an effective date of 1 June 2026 was acceptable.

Findings in Fact

9. From the Application and the CMD, the Tribunal made the following findings in fact: -

- i) There is a private rented tenancy of the Property between the Applicant and the Respondents;
- ii) The correct statutory procedure has been carried;
- iii) There is evidence of an intention to sell;
- iv) The second-named Respondent, Mrs. Gail Aston, no longer resides in the Property;
- v) The first-named Respondent, Mr. Aston, is in the process of securing alternative suitable accommodation for himself and his two children who are the third- and fourth-named Respondents;
- vi) A mortgage is secured against the Property;

Rule 17 (4) of the Rules

10. 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.

Issue for the Tribunal

11. The statutory procedure being established and the Application not being opposed, 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.

Decision and Reasons for Decision

12. The Tribunal had regard to all the information before it and to its Findings in Facts and had regard to the circumstances of the Parties.

13. 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.

14. The Tribunal then looked to balance the rights and interests of both parties.

15. The Tribunal had regard to the fact that the second-named Respondent, Mrs. Gail Aston, no longer resides in the Property and that the first-named Respondent, Mr. Aston, is in the process of securing alternative suitable accommodation for himself and his two children with an estimated entry date of 18 May 2026. The Tribunal gave weight to the fact that the Application is not opposed. The Tribunal accepted that the Applicant fully intends to sell the Property.

16. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction order.

17. 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

17 April 2026

Date