



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

Chamber Ref: FTS/HPC/EV/25/3472

Re: Property at Flat 1/2, 26 Barfillan Drive, Glasgow, G52 1AA (“the Property”)

Parties:

Cap Property Holdings Limited, 69 Capelrig Road, Newton Mearns, Glasgow, G52 1AA (“the Applicant”)

Mr Johnstone Wright, Flat 1/2, 26 Barfillan Drive, Glasgow, G52 1AA (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 13 August 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 3 to the 2016 Act (landlord intends to sell). Supporting documentation was submitted in respect of the application between the date of the application and 11 September 2025, including a copy of the Notice to Leave/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003/proof of service of same and evidence in support of the ground, being a letter/terms of

engagement from the Applicant's solicitors in respect of the prospective sale of the Property.

2. Following the initial procedure, on 16 October 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 30 March 2026 was served on the Respondent by way of Sheriff Officer on 12 February 2026. In terms of said notification, the Respondent was invited to lodge written representations. No written representations were lodged by the Respondent prior to the CMD

Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference call on 30 March 2026 at 2pm, attended on behalf of the Applicant company by Mr McClymont and their representative, Ms Rice of Harper Macleod LLP and also, on behalf of the Respondent by his representative, Mr Donnelly of Govan Law Centre.
5. Following introductions and introductory remarks by the Legal Member, Mr Donnelly explained that he had lodged an email with the Tribunal Administration a few days ago, attaching a mandate from the Respondent, but that it does not appear to have been circulated to the Tribunal Members as yet. He explained that they had recently been instructed and had made the Applicant's representative aware of the position beforehand.
6. Mr Donnelly confirmed that the Respondent accepts that the Property is to be sold and does not wish to oppose the application, although is seeking an extension of 12 weeks on the eviction date, to allow him to obtain suitable alternative accommodation through the local authority. He explained that the Respondent is 58 years old, lives alone and is dependent on Universal Credit to cover his housing costs. He had required to give up work a couple of years ago, due to medical issues and mobility problems. It is a 'no fault' eviction and the Respondent has been attempting to find alternative accommodation. He has been unable to find an affordable private let and has also applied for housing through the local authority and housing associations. However, there are very long waiting lists. The Respondent has also discussed a homeless application with the local authority and been told that, although he will receive temporary accommodation if an eviction order is granted, that is likely to be hotel-type accommodation. This is unsuitable for the Respondent, due to his age and mobility problems. Mr Donnelly intends to take this matter up with the local authority on behalf of the Respondent but needs more time to do this. This is the reason for the extension request.
7. Ms Rice confirmed that Mr Donnelly had been in contact with her regarding the Respondent's position and that the Applicant is agreeable to the extension

sought. She confirmed that the Applicant was seeking an eviction order today, subject to that extension.

8. The Tribunal Members conferred briefly on the application and confirmed that the eviction order would be granted, in the circumstances, with an extension on the eviction date of 12 weeks (**22 June 2026** will be stated in the order as the earliest date for enforcement). Mr Donnelly was asked if he would liaise with Ms Rice in the event that the Respondent secures alternative housing meantime and is in a position to vacate earlier than the date stated. He confirmed that he would do so. Parties were thanked for their attendance.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy (PRT) which commenced on 29 March 2018.
3. The Applicant intends to sell the Property and to market it for sale as soon as possible and within 3 months of obtaining vacant possession.
4. A Notice to Leave in proper form and giving the requisite period of notice was served on the Respondent by Recorded Delivery post on 29 April 2025 and was delivered on 1 May 2025.
5. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 25 July 2025.
6. The Tribunal Application was submitted on 13 August 2025.
7. The Respondent remains in occupation of the Property.
8. The Respondent did not lodge any written representations prior to the CMD but was represented at the CMD.
9. The application was not opposed by the Respondent.
10. The Respondent has applied for social housing and requested a delay in the execution of the eviction for a period of 12 weeks to allow additional time for a suitable property to be found for him.
11. The Respondent is 58 years old, reliant on state benefits, and has mobility problems.
12. The Applicant's reason for wishing to sell the Property is that it has become financial unviable to continue renting it out, due to rising costs.

13. The Applicant consented to the extension sought in respect of the eviction date.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation, and the oral information provided at the CMD by the Applicant and Respondent's representatives.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice (84 days) had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act.
3. The Tribunal considered that the ground of eviction, that the landlord intends to sell (Ground 1 of Schedule 3 to the 2016 Act, as amended) was satisfied in that all elements of Ground 1 were met and that it was reasonable, having regard to all of the circumstances, to grant the eviction order sought. The Tribunal had noted that there was supporting documentation with the application from the Applicant, namely correspondence from their solicitors confirming the intention to sell when the Property is vacated. The Applicant's representative had provided further background information with the application regarding the reason for the Applicant wishing to sell the Property. This was essentially for financial reasons. All costs associated with the Property have been rising, whilst the rent remains quite low. It was submitted that it had accordingly become financially unviable for the Applicant to continue letting out the Property. In all the circumstances, and particularly on the basis that the Respondent was not contesting the application and had already made application for social housing to the local authority, which his representative was assisting him with, the Tribunal considered it reasonable to grant the eviction order sought. The Tribunal considered that the request on behalf of the Respondent for an extension in respect of the eviction date of 12 weeks was reasonable in the circumstances, given his age and mobility issues, meaning that suitable alternative accommodation is required. Such an extension was not opposed on behalf of the Applicant.
4. The Tribunal determined that an order for recovery of possession of the Property under ground 1 could properly be granted at the CMD, there being no facts in dispute. The Tribunal determined it appropriate to exercise their discretion in respect of an extension of the eviction date by the period of 12 weeks sought by the Respondent. The earliest date for eviction in terms of the eviction order issued will accordingly be stated as **22 June 2026**.
5. The Tribunal's decision 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.

N. Weir

Legal Member/Chair

30 March 2026
Date