



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/4451

Property at 43 Keppel Drive, Glasgow, G44 4JZ (“the Property”)

Parties:

Mr Stuart McMurray, Suite 444, 145-149 Kilmarnock Road, Glasgow, G41 3JA (“the Applicant”)

Mr Thomas O’Boyle, 43 Keppel Drive, Glasgow, G44 4JZ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Sandra Brydon (Ordinary Member)

Decision – in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A Notice to leave, evidence of the intention to sell and a section 11 notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 30 April 2026 at 10am and they were required to participate.
3. The CMD took place on 10 March 2026. The Applicant was represented by Mr Nixon. The Respondent did not participate and was not represented.

Summary of Discussion at CMD

4. Mr Nixon told the Tribunal that he spoke recently to the Respondent who told him that he has secured alternative accommodation from the Local Authority, was about to go on holiday but that his sister was going to move his belongings from the property in his absence. Mr Nixon said that the keys have not been returned, and the Applicant still requires an eviction order. In response to questions from the Tribunal, Mr Nixon said that the Respondent lives at the property alone. His employment status is unknown. He pays the rent in arrears and failed to pay the increased rent charge in March. As a result, there was a shortfall and the April payment has not yet been received. There are arrears of £1254. He also advised the Tribunal that the Applicant had four rental properties. He has already sold three of them and intends to stop being a landlord.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Applicant intends to sell the property. He intends to sell of his rental properties and cease being a landlord.
8. The Respondent has incurred arrears of rent of £1254 as he did not pay the full rent charge for March 2026 and has not made the payment due for April 2026.
9. The Respondent resides at the property alone. He told the letting agent that he has been offered alternative accommodation by the Local Authority.
10. The Applicant served a Notice to leave on the Respondent on 16 July 2025.

Reasons for Decision

11. The application was submitted with a Notice to Leave dated 18 July 2025 together with a Sheriff Officer certificate of service which establishes that the Notice was served on the Respondent on 16 July 2025. The Notices states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
12. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in

schedule 3 applies.”

13. Ground 1 of schedule 3 (as amended) states, “(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.”
14. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.
15. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent did not attend the CMD or contact the Tribunal in advance of the CMD. His position regarding the application is unknown.
 - (b) The Applicant wants to sell the property as he has decided to sell all his rental properties and stop being a landlord.
 - (c) The Respondent has incurred rent arrears as he failed to pay the full rent charge for March 2026 and has not yet paid the rent due for April 2026. The Respondent pays his rent in arrears instead of in advance as required by his tenancy agreement.
 - (d) The Respondent has advised the Applicant’s representative that he has secured alternative accommodation with the Local Authority and is in the process of moving his belongings. However, he has not provided a timescale or returned the keys.
16. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act that ground 1 has been established. For the reasons outlined in paragraph 15 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

17. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

30 April 2026