



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/25/3184

Property : 47 Livingstone Drive, East Kilbride, Glasgow G75 OEL (“Property”)

Millicent Otoo and George Otoo, 40 Strathallan Avenue, Glasgow G75 8GX (“Applicant”)

Jennifer Lees, 47 Livingstone Drive, East Kilbride, Glasgow G75 OEL (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a private residential tenancy agreement between the Applicant and the Respondent which commenced on 10 January 2020; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 3 March 2025 ("Notice to Leave") with sheriff officer certificate of service on 4 March 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and copy letter from Slater Hogg and Howison regarding attendance at the Property on 28 March 2025 regarding the sale of the Property. A Case Management Discussion (“CMD”) was fixed for 6 May 2026. The Application was served on the Respondent by sheriff officer on 20 March 2026.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 6 May 2026 by teleconference. Millicent Otoo of the Applicant was in attendance. There was no appearance by the Respondent.

Ms Otoo told the Tribunal that there had been no recent contact with the Respondent. She said a letting agent manages the Property and she was aware they had been writing to the Respondent about rent arrears. She said she was not aware of the Respondent having any children living in the Property with her. She said she was not aware of the Respondent having any health or disability issues. She said she understood that the Respondent is working. Ms Otoo told the Tribunal that the Respondent had failed to pay rent for almost 2 years. She said that she had continued to pay the mortgage on the Property and that the lack of rental income is causing the Applicant financial difficulty. She said that the Applicant intends to put the Property up for sale.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 10 January 2020.
2. A Notice to Leave was served on the Respondent by sheriff officer on 4 March 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 5 June 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, the 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. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was copy letter from Slater Hogg and Howison regarding attendance at the Property on 28 March 2025 regarding the sale of the Property. The Tribunal determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness. Having considered all of the circumstances, and in light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

**Joan Devine
Legal Member**

Date : 6 May 2026