



**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/25/3888**

**Re: Property at 111 Novar Drive, Glasgow, G12 9SZ (“the Property”)**

**Parties:**

**Mrs Rachna Sood, 18 Laurel Park Close, Glasgow, G13 1RD (“the Applicant”)**

**Ms Jennifer Hardie, 111 Novar Drive, Glasgow, G12 9SZ (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction. The Tribunal determined that it was reasonable to suspend enforcement of the order for a period of 3 months from the date of the hearing.**

**Background**

1. By application submitted on 10 September 2025 the Applicant seeks an order for eviction on the ground that she intends to sell the property.
2. The Applicant lodged the following documents with the application:
  - Copy tenancy agreement
  - Correspondence with Harbor Property regarding sale of the property
  - Section 11 notice with proof of notification

- Notice to leave with proof of service
3. A case management discussion was scheduled to take place via teleconference on 22 April 2026.

**Case management discussion (“cmd”) – teleconference- 22 April 2026**

4. Both parties were in attendance. The Applicant sought an order for eviction. She stated that due to a change in her financial circumstances after the commencement of the tenancy she had decided to sell the property. She stated that it was not her intention to re-let the property in the event an eviction order was granted. The Applicant stated that since the notice to leave was served on 2 July 2025 the Respondent had not made any payment of rent. The rent due for the property is £1620 per month. The Applicant stated that the rent arrears outstanding amounted to £16,200 and continued to increase.
5. The Respondent stated that she wanted more time in the property. She stated that she resided with her 2 school-aged children. She advised that since moving into the property she had been unable to work due to poor health and is currently awaiting surgery. The Respondent stated that she was in receipt of Statutory Sick Pay and was also receiving Universal Credit, including housing costs. However she had not used the housing costs to pay towards the rent. The Respondent did not dispute that there were arrears of rent. The Respondent stated that she had sought advice from Shelter and had submitted a housing application to the local authority, but had not submitted a homelessness application. She stated that she intended to repay the outstanding arrears, possibly by obtaining a loan. She stated that she intended to return to employment as a personal trainer when her health improved.
6. The Tribunal took time to carefully discuss whether the Respondent sought to oppose the application and request an evidential hearing or whether she sought to suspend enforcement of the order. The Tribunal adjourned briefly in order that the Respondent could consider the matter and clarify her position on the application. The Respondent stated that she sought more time before the order

was enforced. She did not request an evidential hearing on the matter. It was discussed that suspension of enforcement would afford her time to make a planned departure from the property and maximise the possibility of obtaining alternative accommodation. The Respondent sought a 3 month suspension before enforcement.

7. The Applicant confirmed that they had no objection to the requested period of suspension before enforcement of the order.

### **Findings in fact**

8. Parties entered into a private residential tenancy agreement with a commencement date of 4 January 2025.
9. The Applicant is the sole owner of the property.
10. The Applicant intends to sell the property.
11. Monthly rent due is £1,620.
12. The Respondent resides in the property with her 2 children.
13. The Respondent does not seek to defend the application.
14. The Respondent requested suspension of enforcement of the eviction order for 3 months.
15. The Applicant consents to the request to suspend enforcement of the eviction order for 3 months.

### **Reasons for the decision**

16. Rule 17 (4) states:

*The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

17. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—(1)** *Subject to paragraph (2), the First-tier Tribunal—*

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

*(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*

*(ii) to do so will not be contrary to the interests of the parties; and*

*(b) must make a decision without a hearing where the decision relates to—*

*(i) correcting; or*

*(ii) reviewing on a point of law,*

*a decision made by the First-tier Tribunal.*

*(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

18. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

19. Ground 1 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.*

*(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.*

20. The Tribunal accepted the evidence that the Applicant intended to sell the property which was supported by the letter from Harbor Property relating to the marketing of the property.
21. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.
22. The Tribunal took into account the oral and written submissions on behalf of the Applicant. The Tribunal gave weight to the fact that the Applicant sought to sell due to a change in financial circumstances and also that arrears were high and increasing by £1,620 on a monthly basis.
23. The Tribunal gave significant weight to the fact that the Respondent did not oppose the ground for eviction being granted and made no objection to the reasonableness of the order being granted. The Respondent advised that she was currently unable to work and that the housing element of Universal Credit did not meet the monthly rent. She said she would need to try to obtain a loan from a third party to meet rent payments, as well as arrears. She sought additional time in the property in order to recover from medical treatment and secure alternative accommodation. Had the Respondent opposed the order an evidential hearing would have been required prior to making a determination. In light of the lack of opposition the Tribunal determined that on balance it was reasonable to grant an order.
24. In light of the Respondent's unopposed submissions setting out her personal circumstances the Tribunal determined that it was reasonable to grant a suspension of enforcement for a period of 3 months. The Applicant did not oppose the suspension.

## **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.**

**Mary-Claire Kelly**

**Legal Member/Chair**

**22 April 2026  
Date**