



**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/25/3901**

**Re: Property at 75 Constarry Road, Croy, Kilsyth, G65 9HT (“the Property”)**

**Parties:**

**Mr Peter Johannesen and Mrs Jean Johannesen, both 59 Constarry Road, Croy, Kilsyth, G65 9HT (“the Applicant”) and**

**Shannon Caitlyn Campbell, 75 Constarry Road, Croy, Kilsyth, G65 9HT (“the Respondent”)**

**Tribunal Members:**

**George Clark (Legal Member) and Robert Buchan (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.**

**Background**

1. By application dated 11 September 2025, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 5 December 2022 at a rent of £625 per month, and a Notice to Leave dated 1 April 2025 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 27 June 2025. The Applicants also provided the Tribunal with copies of a letter from Lesley Archibald, Estate Agents, Denny, confirming that they had instructions to market the Property once vacant possession had been secured and that this was alongside instructions to sell another property for the Applicants, that property now being under offer.

3. On 28 January 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 18 February 2026. The Respondent did not make any written representations to the Tribunal.
4. A Case Management Discussion scheduled for 16 March 2025 was unable to proceed due to technical issues with the Tribunal's telephone conference system.

### **Case Management Discussion**

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 29 April 2026. The Applicants were represented by Miss Adriana Capaldi of Bannatyne Kirkwood France, solicitors, Glasgow. The Respondent was also present.
6. The Applicants' representative told the Tribunal that the reason for their wishing to sell the Property was that Mr Johannesen had become disabled following an accident at work and had a number of health issues. His daughter is a single parent living in Australia and he has been helping her to pay her rent but wishes to sell in order to assist her to buy a house for herself and her two children. The Applicants no longer own any other rented properties.
7. The Respondent told the Tribunal that she has two children aged 8 and 5, both of whom require additional needs support. She contacted the local authority when she received the Notice to Leave but was told they will do nothing to help rehouse her unless she has an Eviction Order. She was not opposing the granting of the Order but would like more than the normal 30-day notice period, in order to have more time to work with the local authority with a view to being rehoused in the local area. This was important to her children who, she said, had been through enough. Miss Capaldi indicated postponing the earliest date on which the Order could be enforced to 15 July 2026 would be acceptable to the Applicants.

### **Reasons for Decision**

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
9. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
10. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

11. The Tribunal was satisfied from the evidence provided by the Applicants, including the estate agents' letter confirming they have been instructed, that they intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
12. The Tribunal was satisfied that the Applicants had set out a good reason for their decision to sell the Property, namely that they wish to assist their daughter in Australia.
13. The Tribunal noted that the Respondent was not opposing the issuing of an Eviction Order, as she required this in order to obtain help from the local authority.
14. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order, but that it should not be enforceable until 15 July 2026, to allow the Respondent to seek the help she and her family require from the local authority and other support services to be rehoused.
15. 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.**

George Clark

**Legal Member/Chair**

**Date 29 April 2026**