



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 26 of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ('The Procedure Rules') in relation to an application for eviction/ possession of a Rented Property in terms of Rule 109 of the Procedure Rules.

Chamber Ref: FTS/HPC/EV/25/4232

Re: 42 Corlaich Avenue, Glasgow, G42 ('the Property')

Parties:

Sarah Orr, 112 Bowhouse Drive, Glasgow, G45 0NB ('the Applicant')

Lisa Agyako, Cartys Solicitors, Blantyre ('The Applicant's Representatives')

Emma McGranaghan residing at 42 Corlaich Avenue, Glasgow, G42 0DS ('the Respondent')

The First-tier Tribunal for Scotland (Housing and Property Chamber) ('the Tribunal')

Tribunal Members: Jacqui Taylor (Legal Member) and Elizabeth Williams (Ordinary member).

1. Background

1.1. The Applicant submitted an application to the Tribunal for eviction/ possession of the Rented Property under section 51(1) of the Private Housing Tenancies (Scotland) Act 2016, in terms of Rule 109 of the Procedure Rules.

1.2 The application was dated 1st October 2025. The application states that the ground for eviction was as follows:

'The Landlord intends to selling the let Property. Background- The Landlord's husband sadly passed away. Due to the change in her personal circumstances the Landlord requires to sell the let property.'

1.3 Documents lodged with the Tribunal were:-

- The Private Residential Tenancy Agreement between the parties dated 18th September 2024.
- Notice to Leave dated 28th April 2025 advising the Tenants that an application will not be submitted to the Tribunal for an eviction before 22nd July 2025 and the eviction ground is that the Landlord intends to sell the Property.
- Email from the Landlord's Representative to the Tribunal dated 17th November 2025 advising that the Notice to Leave was hand delivered to the Tenant on 28th April 2025. The landlord's husband passed away and that is why she requires to sell the property due to the change in her circumstances, including financially.
- A copy of a text message dated 20th August which states '*Hi Sarah this is confirm I have received a notice to leave the property.*'
- Email to Glasgow City Council dated 1st October 2025 attaching the Section 11 Notice.
- Section 11 Notice addressed to Glasgow City Council.
- Mandate by the Applicant authorising his Representative to act for him.

2. By Notice of Acceptance by James Bauld, Convener of the Tribunal, dated 2nd December 2025, he intimated that he had decided to refer the application (which application paperwork comprises documents received between 2nd October 2025 and 17th November 2025) to a Tribunal.

3. The Respondent did not provide any written representations.

4. Case Management Discussion

This case called for a conference call Case Management Discussion (CMD) at 14.00 on 27th May 2026.

The Applicant, Ms Agyako (the Applicant's representative) and the Respondent attended the CMD.

4.1 Oral Representations by the Applicant's Representative:

4.1.1 The Applicant's husband passed away and the Applicant's financial circumstances have changed which means that she needs to sell the Property.

4.2 Oral Representations by the Applicant:

4.2.1 Her husband died on 5th January 2025.

4.2.2 She owns the Property she lives in. She has a mortgage over both that property and 42 Corlaich Avenue, Glasgow. As her husband has passed away she cannot afford to continue to rent 42 Corlaich Avenue, Glasgow as she no longer has the benefit of her husband's income. Once vacant possession has been obtained she will sell 42 Corlaich Avenue, Glasgow and pay off the mortgage over the property she lives in.

4.3 Oral Representations by the Respondent:

4.3.1 She has applied to the Local Authority for rehousing. The Local Authority have advised that an eviction order is required before she will be allocated a property.

4.3.2 She lives in the Property with her daughter who is 20 years old and her son who is three years old.

4.3.3 The Property has not been adapted.

4.3.4 The Property is a ground floor main door flat.

4.3.5 The current rent arrears are in excess of £3000. She has rent arrears as she was not sure as to whether or not she would have to obtain another private let if she was not allocated Local authority housing.

5. Decision

5.1 Requirements of Section 109 of the Procedure Rules.

(a) The Tribunal determined that the application correctly detailed the requirements of section 109(a) of the Procedure Rules namely:-

(i) the name, address and registration number of the Landlord.

(ii) the name and address of the Landlord's representative.

(iii) the name and address of the Tenant.

(iv) the ground of eviction. The ground stated in the application is that the Applicant intends to sell the Property.

The Tribunal accepted that this is Ground 1 of Schedule 3 of the 2016 Act.

(b) The Tribunal determined that the application correctly detailed the requirements of Section 109(b) of the Procedure Rules:

(i) evidence showing that the eviction ground or grounds had been met.

The statement by the Appellant that she intended to sell the Property when she obtained vacant possession as she needs to sell the Property due to her reduced income after her husband had passed away was sufficient.

(ii) a copy of the notice to leave given to the Tenant as required by section 52(3) of the 2016 Act.

The Tribunal confirmed that the Notice to Leave was in correct form as set out in Schedule 5 of the Private Residential Tenancies Notices and Forms (Scotland) Regulations 2017 ('The 2017 Regulations').

The Notice to Leave was dated 28th April 2025 and advised the Tenant that an application would not be submitted to the Tribunal for an eviction order before 22nd July 2025.

The commencement date of the lease was 23rd September 2024. The Tenant had resided in the Property for more than six months and the application for eviction was based on ground 1 of Schedule 3 of the 2016 Act and therefore eighty four days notice was required. The Notice to Leave had been personally served on the Tenant on 28th April 2025. Section 1 of the tenancy agreement acknowledged that notices may be served using personal delivery. The Notice to Leave correctly gave the Tenant in excess of the minimum of eighty four days notice.

(iii) a copy of the notice given to the local authority as required by Section 56(1) of the 2016 Act.

The Tribunal determined that a copy of the required notice had been provided.

(c) The Tribunal confirmed that the application form had been correctly signed and dated by the Landlord's representatives as required by Section 109(c) of the Procedure Rules.

5.2 The Tribunal determined that the Applicant had met the requirements of Ground 1 of Schedule 3 The Private Housing Tenancies (Scotland) Act 2016 for the following reasons:

5.2.1 The Tribunal had a copy of the Landlord's title GLA60036 and established that the Applicant is heritable proprietor of the Property and she is entitled to sell the Property.

5.2.2 The Tribunal accepted the statement by the Appellant that she intended to sell the Property when she obtained vacant possession as she needed to sell the Property due to her reduced income after her husband had passed away was sufficient.

5.3 The Tribunal find as a matter of fact that the Applicant intends to put the Property up for sale once she obtains vacant possession.

5.4 The Tribunal were mindful of the decision of Lord Greene in the case of *Cummings v Dawson* (1942) 2 All ER 653 on matters to consider when determining reasonableness:

'In considering reasonableness... it is my opinion, perfectly clear that the duty of the judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad, common sense way as a man of the world, and to come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or more weight, others may be decisive.'

The Tribunal found that it was reasonable for the eviction order to be granted given the fact that the Applicant needs to sell the Property due to her reduced income following the death of her husband and the fact the Respondent has applied for alternative housing and she has not lodged any written representations opposing the eviction application.

5.5 The Tribunal granted the eviction.

6. 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.

J. Taylor

Legal Member

27th May 2026