



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4398

Re: Property at 185 Glencroft Road, Glasgow, G44 5RF (“the Property”)

Parties:

A&M Properties (Glasgow) Ltd, 27 Downhill Street, Glasgow, G11 5QR (“the Applicant”)

Ms Stacey Wade, 185 Glencroft Road, Glasgow, G44 5RF (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (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

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 26th June 2020, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 6th May 2026.
3. On the morning of 8th June 2026, the date of the scheduled Case Management Discussion, the Housing and Property Chamber was experiencing technical difficulties with its telephone conference system. The Tribunal Clerk contacted both parties to enquire whether they could attend by video conference instead of telephone conference. The Respondent told the Tribunal Clerk that she did not intend to join the call and that she was intending to leave the Property.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by video conference on 8th June 2026. Mr Ross Halsey was in attendance on behalf of the Applicant. The Respondent was not in attendance.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
6. Mr Halsey said there has been no recent communication with the Respondent. He had been in touch with the Respondent about a week ago as no rent had been received. There was no response from the Respondent. Two attempts to gain access to the Property had failed recently, as the Respondent had cancelled the arrangement on the evening before access was due to take place.
7. Mr Halsey said the Applicant company is owned by his parents. They are selling off their property portfolio for retirement reasons. They have sold some properties and adopted a procedure where they would sell to the tenant, or to a social or private landlord, failing which they would sell on the open market. The Property had been identified as suitable for sale with vacant possession, as the Respondent has been in rent arrears for the last 18 months. The arrears are currently around £2500. The rent is covered by Universal Credit but the Respondent has failed to inform Universal Credit of rent increases, so the amount paid has fallen short, causing arrears. The Applicant has kept the rent to an amount that would be covered in full by Universal Credit, and there should be no top-up required, if the Respondent informed Universal Credit timeously of increases. The Respondent does not engage with the Applicant. Mr Halsey said there has been alleged damage to the Property caused by the Respondent.
8. Responding to questions from the Tribunal, Mr Halsey said the Respondent has two children aged 7 and 11. The Respondent stated, when cancelling an access arrangement, that she would be doing a double night shift, which suggests she may be in employment. The Applicant is not aware of any health or social issues affecting the Respondent or her children.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 26th June 2020.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.

- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant no longer wish to be landlords, as the Directors wish to retire. The Applicant is selling their property portfolio.
13. The Respondent has failed to engage with the Applicant and has accumulated rent arrears. The Tribunal took into account the fact that there are two young children in the Property, however, the Respondent did not see fit to attend the CMD to put forward any information to assist the Tribunal. In the absence of any representations from the Respondent, the Tribunal was unable to assess the likely impact of granting an order upon the children and the Respondent. The Tribunal considered it likely that, if no order was granted, the arrears would continue to rise. The Tribunal considered the tenancy is not sustainable. The Tribunal took into account that the Respondent had indicated to the Tribunal Clerk that she intended to leave the Property.
14. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 13th July 2026.

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.

Ms H Forbes

Legal Member/Chair

8th June 2026
Date