



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/25/4691

Re: Property at 1 Loanfoot Avenue, Neilston, Glasgow, G78 3HX (“the Property”)

Parties:

Mr Mark Griffiths, Mrs Jane Griffiths, Shilford Hill, Shillford Road, Neilston, G78 3BQ; Shilford Hill, Shillford Road, By Neilston, G78 3BQ (“the Applicant”)

Ms Nicky Ballantyne, 1 Loanfoot Avenue, Neilston, Glasgow, G78 3HX (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application dated 2 February 2026 the applicants sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 18 February 2026 the application was accepted by the tribunal and referred for determination by the tribunal.
2. A Case Management Discussion (CMD) was set to take place on 10 June 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 10 June 2026 via telephone case conference. Mr Mark Griffiths attended on behalf of the applicants. The respondent did not take part. The Tribunal was satisfied that the respondent had received the application and details of the CMD as she had responded to them. The respondent indicated that she was not able to attend the CMD as she was focussed on her son's upcoming surgery and recovery. The Tribunal decided to proceed with the CMD in the absence of the respondent. The Tribunal was satisfied that the requirements of Rule 24 (1) regarding the giving of notice of a hearing had been complied with and proceeded with the Case Management Discussion in terms of Rule 29 of the 2017 Rules.
4. The Tribunal heard from the applicants.
5. Mr Griffiths explained that he was the owner of the property having inherited it on the death of his father. The applicants had not acquired the property with a view to renting it out but as the Council intended to charge council tax even if the property was empty they decided to do so. They originally intended to sell the property in 2023 as they planned to use the proceeds from the sale and the proceeds from the property they lived in at that time to purchase their current home. They did not understand the process and thought the service of the notice to leave would be sufficient. It was the respondent that explained to them that they had given insufficient notice and that she would need to be formally evicted in order to be housed by the council which was her preference. They could not rely on the notice served in 2023 as too much time had lapsed before they became aware they needed to lodge an application with the housing and property chamber. They re-served the notice in 2025. They had to acquire bridging finance to purchase the home they now live in. They intend to sell the property in order to put the proceeds towards the outstanding mortgage on their own home.
6. No rent has been paid by the tenant this year and they have found this process both emotionally and financially difficult. They are getting older. The applicants are aware that the respondent lives with her son who is around 19 years old and as far as the respondent is aware they are both in employment. The respondent had previously expressed a wish to be housed by the Council. The property is their only rental property.

Findings in Fact

7. Mr Griffiths is the registered owner of the property.
8. The applicants are the landlord and the respondent the tenant in terms of the private residential tenancy entered into on 1 February 2020.
9. The agreed monthly rental payment was £500.00.
10. On 31 July 2025 the applicants served upon the respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.

11. A notice was served on East Renfrewshire Council by the applicants under section 11 of the Homelessness etc (Scotland) Act 2003.
12. Mr Griffiths is entitled to sell the property and intends to do so. The applicants have instructed Estate Agents to act on their behalf in connection with the sale.

Reasons for Decision

13. The Tribunal noted that the eviction was sought under and in terms of ground 1 of schedule 3 of the Act.
14. That ground is in the following terms:

 “1. Landlord intends to sell

 (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 the 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.”
15. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 1. The applicants are entitled to sell the property. The applicants produced an Agency Agreement with an Estate Agent dated 1 March 2024 confirming their willingness to act on behalf of the applicants in the sale of the property and setting out their terms and conditions.
16. The Tribunal is satisfied that the applicants intend to sell or at least market the property at market value within 3 months of the tenant ceasing to occupy. They wish to sell the property to put the proceeds towards the mortgage of their current home. The Tribunal accept the evidence of the applicants on that matter.
17. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
18. The Tribunal find that it is reasonable to grant the order.
19. The Tribunal accepts that the applicants are entitled to sell and wish to do so. The respondent has indicated in their response to the application that they understand the applicants desire to sell the property. The respondent does not

appear to oppose the eviction order which she has indicate dis required to obtain housing from the council.

20. The applicants are required to meet the cost of their current mortgage and require the proceeds from the sale of the property to do so.

21. The respondent lives with her adult son at the property. The respondent has not provided that Tribunal with any further information as to their present circumstances.

22. In all the circumstances it is reasonable to grant the order.

23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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 McKinlay

10th June 2026

Legal Member/Chair

Date