

Housing and Property Chamber

First-tier Tribunal for Scotland



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/25/5315

Re: Property at 42 George Court, Hamilton, ML3 9HG (“the Property”)

Parties:

Mr Edward O’Loughlin, 150 Netherlee Road, Netherlee, Glasgow, G44 3QA (“the Applicant”) and

Whyte Fraser & Co Limited PO Box 19118, Motherwell, ML1 9FU (“the Applicant’s Representative”) and

Mr Gurmail Singh, 42 George Court, Hamilton, ML3 9HG (“the Respondent”)

Tribunal Members:

G McWilliams: Legal Member

A Lamont: Ordinary Member

Decision in absence of the Respondent:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2pm on 16th June 2026. The Applicant, Mr O’Loughlin, and his Representative’s Mr A Buttery attended. The Respondent, Mr Singh, did not attend and was not represented. The Tribunal noted that Sheriff Officers served copies of the Application papers, and details of the CMD, upon Mr Singh by posting relevant papers through the letterbox of the Property on 13th May 2026.

3. Mr Buttery referred to the Application case papers and stated that Mr O'Loughlin intends to carry out repairs at the Property and sell it as soon as possible. Mr O'Loughlin stated that he is 73 years of age and no longer feels able to deal with the responsibilities and obligations of a landlord. He said that he had previously owned and rented 14 flats but has sold 12 of them. He stated that he has lodged Tribunal Applications to recover possession of the remaining 2 flats, including the Property, so that he can also sell them. He said that during a safety inspection at the Property, on 3rd June 2026, it was discovered that fire alarms and smoke detectors had been ripped off walls. Mr O'Loughlin stated that the Property was discovered to be in poor condition and in need of repairs. He said that an electrician attended at the Property, to carry out repairs, on 5th June 2026 and discovered a person residing there who is not the Respondent, Mr Singh. Mr Buttery stated that Mr O'Loughlin is concerned that Mr Singh has been sub-letting the Property without authorisation. Mr O'Loughlin said that he is concerned that Mr Singh has never resided in the Property since the tenancy agreement was signed on 1st December 2021. Mr O'Loughlin stated that Mr Singh continues to pay the rent for the Property. He said that he continues to make mortgage repayments in respect of the Property. Mr O'Loughlin said that as he is no longer in employment he is finding it financially difficult to continue to pay repairs etc costs for the Property. Mr Buttery submitted that, in all the circumstances, it would be reasonable for the Tribunal to grant an order for eviction to allow Mr O'Loughlin to recover possession of the Property, carry out the necessary, final repairs, and sell it.

Findings in Fact and Law and Reasons for Decision

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
6. Having considered all of the Application papers, and the submissions of Mr Buttery and Mr O'Loughlin, the Tribunal finds in fact that Mr O'Loughlin has provided the Tribunal, in his Application, with copies of the Notice to Leave ("NTL") served on Mr Singh and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to South Lanarkshire Council. These documents had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (1) in the 2016 Act. The Tribunal further finds in fact that that Mr O'Loughlin seeks recovery of the Property in order to sell it and Mr Singh, having been served with Application papers and notified of the CMD, has not opposed the Application.
7. In making its findings in fact the Tribunal relied on the documentation in the Application papers, as well as the submissions of Mr O'Loughlin and Mr Buttery, the terms of which were consistent with the terms of the relevant documentation.

The Tribunal also placed reliance on the absence of any contradictory information or submission from Mr Singh. The papers in respect of the Application had been served effectively on him on 13th May 2026. He is aware of the important nature of the Application but has not lodged any representations regarding the merits and the reasonableness of the grant of the eviction order sought. The Tribunal's office has not received any communications from Mr Singh or any representatives or advisers acting on his behalf.

8. Having made their findings in fact, the Tribunal finds in law that the ground in Schedule 3 (1) of the 2016 Act is met, as Mr O'Loughlin intends to sell the Property, and that it is reasonable that an eviction order be granted.

Decision

9. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Gurmail Singh, from the Property at 42 George Court, Hamilton, ML3 9HG.

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.

G McWilliams

16th June 2026

Tribunal Legal Member