

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/25/5307

Re: Property at Flat 0/1, 4 Derby Street, Glasgow, G3 7TJ (“the Property”)

Parties:

Trustees of the Ben Shapiro (Nationwide) Trust, Trustees of the Ben Shapiro (Nationwide) Trust, 86 Woodlands, London, NW11 9QU (“the Applicant”)

Ms Mandy Reid, Flat 0/1, 4 Derby Street, Glasgow, G3 7TJ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. On 8th December 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Notice to Leave dated 9th September 2025;
 - ii. Proof of Service of the Notice to Leave;
 - iii. Section 11 Notice and proof of service;
 - iv. Letter from Freeths, Solicitors dated 26th November 2025 confirming instructions to sell the property.
3. The Applicant explained that there was no written tenancy agreement. The Respondent’s late partner had been the tenant and his tenancy was under the

Rent (Scotland) Act 1984. He died and the Respondent succeeded to the tenancy. Section 3B of the Rent (Scotland) Act 1984 determines that the tenancy becomes a Private Residential Tenancy in terms of the Private Housing (Tenancies)(Scotland) Act 2016.

4. The Application was served on the Respondent by Sheriff Officers on 28th May 2026.
5. On 15th June 2026 the Respondent lodged a Written Submission. She explained that her late partner had lived in the property since 21st October 1971. She moved in on 12th November 1986. Her partner had died on 8th July 2024.
6. The Respondent said that she did not wish to continue to reside in the property but needed more time to clear it and to be rehoused, ideally an extra two months.

Case Management Discussion

7. The Case Management Discussion ("CMD") took place in person in the Glasgow Tribunal Centre. The Applicant was represented by Miss Boys of Freeths, Solicitor. The Respondent represented herself.
8. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
9. Miss Boys sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. The Tribunal was satisfied that the ground had been established by service of the Notice to Leave, Section 11 Notice and the letter from Freeths.
10. The Respondent confirmed, as per her Written Submission, that she did not oppose the order being granted. The flat is too big for her needs. She did however say that she needed more time to pack her belongings and for the local authority to provide her with accommodation.
11. Miss Boys said that her clients were not opposed to an extension of the time to vacate and proposed 31st August 2026. The Respondent said that she probably could move within that time period but that it would be stressful, and three months would be better.
12. The Tribunal was satisfied that three months would be a reasonable time period.

Findings in Fact

- a. The Respondent has a Private Residential Tenancy, as per Section 3B of the Rent (Scotland) Act 1984 having succeeded to the tenancy of the property following the death of her partner, the original tenant, on 8th July 2024;
- b. A Notice To Leave, dated 9th September 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. Letter from Freeths, Solicitors dated 11th April 2025 confirm instructions to act in the sale of the property;
- e. The Application was served on the Respondent by Sheriff Officer on 28th May 2026;
- f. The Respondent does not oppose the order being granted;
- g. The Applicant requires more time to be re-housed and to clear the property.

Reasons for Decision

13. Ground 1 of Schedule 3 of the Act states as follows:

1(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 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.

(3)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a)a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

14. The Tribunal was satisfied that the ground had been met.

15. The Tribunal was also satisfied that it was reasonable to grant the order as the Respondent was not opposed to it.

16. As far as the time period is concerned the Respondent explained her position in her Written Submission, and taking all the circumstances in to account the

Tribunal was satisfied that it was reasonable to suspend the order for a period of three months.

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.

Alison Kelly

1st July 2026

Legal Member/Chair

Date