



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/4144

Re: Property at 86 Ballie Drive, Glasgow, G71 8JG (“the Property”)

Parties:

Ms Margaret Traynor, 9 Hospital Road, Annan, Dumfriesshire, DG12 5JE (“the Applicant”)

Mr Francesco Campo, Ms Monika Golus, 86 Ballie Drive, Glasgow, G71 8JG (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property should be granted against the Respondent in favour of the Applicant.

Background

1. By application dated 26 September 2025, the Applicant seeks an Eviction Order under Section 51 (1) and Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”). The Applicant intends to sell the property. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced. The Applicant provides an agreement with Harbor Property (Scotland) Limited, 122 Main Street, Baillieston, Glasgow G69 64E to market the property once vacant possession is obtained.

2. The Application was accepted by the Tribunal on 16 January 2026 and referred for determination by the Tribunal.
3. The Respondent was served with the papers in this case by Sheriff Officers on 28 May 2026 conform to Execution of Service of the same date. Service was made personally in the hands of the Respondent, Ms Golus on her own account and on behalf of Mr Campo.
4. A CMD was fixed for 30 June 2026 at 2pm by teleconference call and written representations were to be lodged with the Tribunal by 17 June 2026. No written representations have been received.
5. The Tribunal had before it:
 - (i) The Application Form E;
 - (ii) A Tenancy Agreement between the Applicant and Respondent dated 15 March 2020;
 - (iii) Confirmation from the Registers of Scotland that the Property is owned by the Applicant;
 - (iv) Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant; and
 - (v) Case Papers

The Case Management Discussion

6. The Case Management Discussion (CMD) took place on 30 June 2026 at 2pm by teleconference call. The Applicant appeared personally. The Tribunal delayed the start of the CMD by a few minutes but there was no appearance by the Respondent.
7. The Tribunal explained the purpose of the CMD and the powers of the Tribunal to determine matters. The Tribunal asked various questions with regard to the application.
8. The Tribunal noted the information contained in the application. It noted that the Applicant had lost her employment in January 2025 and, as a consequence, she needed to sell the Property. The Applicant had been employed in the financial services industry in a high paid role. She found it difficult to get another job and was on job-seeker's allowance for a period of time. The Applicant is in her mid-60's. She had to reduce the monthly mortgage on her own home to an interest only mortgage which is recalculated on a regular basis. She wishes to sell the Property so she can pay off the mortgage on her own home and that is why she gave Notice to Leave to the Respondent. The Applicant obtained employment for 4 days a week with Days Inn at the time her job seekers allowance finished in October 2025. She then obtained employment with NFU Mutual but was made redundant in April 2026 due to a restructure. She has just commenced employment in logistics with DX Delivery and is currently undergoing training. Her salary is significantly

less than her previous employment and insufficient to maintain her mortgage payments. If the Applicant can pay off her mortgage by selling the Property, then that will assist her greatly. The Applicant lost her son last year. The Applicant has engaged Harbor Property to market and sell the Property on her behalf in the event that she obtains an order for eviction.

9. The Tribunal asked what the Applicant knew of the Respondent's situation. She had heard from the Managing agent, Mr Martin Reilly, that Mr Campo had lost his job a few weeks ago and his partner had gone back to Poland with her daughter who is of school age. Mr Campo remains in the Property. The Applicant understands he is going to live with friends. His position may have changed since losing his job but the Applicant does not know. The Applicant confirmed that the Property has not been adapted in any way to suit the Respondent's needs.
10. The Tribunal members adjourned for a short period to discuss matters. Unfortunately, due to some technical issues, the Applicant was unable to rejoin the call to hear the Tribunal's decision in person.

Findings in Fact

11. Having heard from the Applicant, the Tribunal made the following findings in fact:
 - (i) The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement dated 15 March 2020 within the meaning of the Act;
 - (ii) The Applicant intends to sell the let property;
 - (iii) The Applicant is the sole owner of the property and is entitled to sell it;
 - (iv) The Applicant has competently served a notice to leave on the Respondent dated 28 June 2025 under ground 1 of Schedule 3 of the Act;
 - (v) The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;
 - (vi) The Applicant lost her job in February 2025 and requires to sell the Property to pay off the mortgage on her own home;
 - (vii) On 16 December 2025, the Applicant instructed Harbor Property (Scotland) Limited, 122 Main Street, Baillieston, Glasgow G69 64E to take steps to market and sell the property as soon as vacant possession is obtained;
 - (viii) The Respondent was served with a copy of this Application by Sheriff Officers on 28 May 2026 and received intimation of the date of the Case Management Discussion;
 - (ix) Ms Golus has left the Property and returned to Poland with her daughter who is of school age;
 - (x) Mr Campo is currently living in the Property on his own.

Reasons for Decision

12. The Tribunal was satisfied that it could determine matters at the CMD and without a Hearing in terms of Rules 17 and 18 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).

13. In terms of section 51(1) of the Act, the Tribunal is to issue an eviction order against the tenant of a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. The Applicant relies on ground 1 of Schedule 3 of the Act in the present case.

14. Ground 1 of Schedule 3 provides:

“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 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. Sub-paragraph 2 (c) of ground 1 was inserted by paragraph 1 (3)(a) of schedule 1 to the Coronavirus (Scotland) Act 2020 which also substituted “may” for “must” in both section 51 (2) and sub paragraph (2) of ground 1. Although these amendments may have been intended to be temporary in the face of the pandemic, these were maintained by section 43 (3)(a)(i) of the Coronavirus (Recovery and Reform) (Scotland) Act 2022. As originally enacted, ground 1 was mandatory so if the Landlord established that they were entitled to sell the property and intended to sell it, the Tribunal was required to issue an eviction order. The amendments introduced by the 2020 and 2022 Acts have the effect of introducing an element of discretion into ground 1. Establishing the facts in sub paragraphs 2 (a) and (b) is sufficient to make it *prima facie* reasonable to evict. It is then for the tenant to put circumstances to the Tribunal to show otherwise (see *Manson v Turner* 2023 UT 328 @ para 7). Evidence of intention can, by way of example, include a letter of

engagement from a solicitor or estate agent concerning the sale of the let property (as set out in ground 1 (3)).

16. Having made the above findings in fact, the Tribunal considered that the Applicant has established that she intends to sell the let property and that she is entitled to do so in terms of ground 1 (2) (a) and (b) of Schedule 3 of the Act.
17. The Tribunal considered whether it is reasonable to issue an eviction order in terms of ground 1 (2) (c). In doing so the Tribunal must consider the whole of the circumstances in which the application is made. The Tribunal noted the reasons why the Applicant wishes to sell i.e. her change in personal circumstances and the need to pay off the mortgage on her own home. The Tribunal noted that the Respondent did not lodge a written response or attend the CMD. One of the Respondent's has left the Property and country and the other is living there on his own. On that basis the Tribunal considered it was reasonable to conclude that the Respondent does not oppose the granting of the eviction order.
18. In addition to determining that the Applicant has satisfied the requirements of Ground 1 (1) and (2) (a) and (b) of Schedule 3, the Tribunal considers that it is reasonable to make an eviction order in terms of ground 1 (2) (c) for the reasons stated above.

Decision

The Tribunal makes an order for eviction of the Respondent, Mr Francesco Campo and Ms Monika Golus, from the Property at 86 Ballie Drive, Glasgow, G71 8JG.

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.

Fiona Stephen

Legal Member/Chair

30 June 2026
Date