



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/25/4524

Re: Property at Flat 0/1, 60 Carlibar Road, Barrhead, G78 1AD (“the Property”)

Parties:

Mr Paul Molloy, 36 Dovecothall Street, Barrhead, G78 1BS (“the Applicant”)

Mr Diarmuid Murray, Flat 0/1, 60 Carlibar Road, Barrhead, G78 1AD (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

At the Case Management Discussion (“CMD”) which took place by telephone conference on 9 July 2026 the Applicant and his partner were in attendance. The Respondent was not present or represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the Rules”) had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background

The Tribunal noted the following background:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The application concerns a Private Residential Tenancy (“PRT”) entered into between the parties relative to the Property.
- iii. The PRT narrated a start date of 18 October 2019.
- iv. On 11 July 2025, the Applicant served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 4 October 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”).

- v. The Applicant has served on East Renfrewshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

In response to questions from the Tribunal the Applicant and his partner made the following oral representations:-

- i. Insofar as the Applicant is aware the Respondent continues in occupation of the Property. A neighbour has texted the Applicant to that effect.
- ii. Insofar as the Applicant is aware the Respondent has no children or partner and no disabilities.
- iii. He is aged late 30s/early 40s.
- iv. The Respondent is in receipt of benefits. He previously worked on building sites.
- v. The Applicant, on advice from the Scottish Association of Landlords, applied for rent to be paid to him directly. Payments received cover the ongoing rent in full.
- vi. There are at least 7 months of unpaid rent going back around 3 years.
- vii. From time to time the Applicant waived rent due when the Respondent was between jobs. They had a good relationship at that time.
- viii. After serving the Notice to Leave the Respondent texted to say he would move from the Property if he could find somewhere else to go.
- ix. The Applicant has not had access to the Property. On the last occasion the Applicant attended the Property the Respondent threatened to call the Police.
- x. The Applicant has received no requests for a reference nor any contact from the local authority.
- xi. The Applicant requires to sell the Property due to financial hardship. He needs to release funds. He has some debts.
- xii. There is no mortgage over the Property.
- xiii. The Applicant has one other rented property in Paisley which he does not intend to sell. The tenant there is a good tenant. That property also has a shop attached to it and would be more complicated to sell.
- xiv. The Applicant is not sure of the state of the Property. Work will likely be required before the Property can be sold. The Applicant is a painter and decorator and can do a lot of work himself. He also has friends in all the trades.
- xv. The Applicant cannot sell the Property with the Respondent in occupation. He cannot advertise the Respondent as a good tenant.
- xvi. The Applicant has not been able to get access for gas safety checks placing neighbours at risk. On the last occasion the Applicant attended the Property, which is around 3 years ago, the Respondent threatened to call the Police. He has not sought to secure access to the Property by making an application to the Tribunal.
- xvii. The Property is a one bedroomed flat. The windows are covered and the curtains and blinds always closed.
- xviii. The Applicant seeks an eviction order.
- xix. The evidence relied upon to substantiate the Applicant's intention to sell the Property is the "Terms of Agreement" of Barrhead Property Centre dated 25 June 2025.

Findings in Fact

The Tribunal made the following findings in fact:-

- i. The Applicant is the heritable proprietor of the Property.
- ii. The application concerns the PRT entered into between the parties relative to the Property.
- iii. The PRT narrates a start date of 18 October 2019.

- iv. On 11 July 2025, the Applicant served on the Respondent by Sheriff Officer a Notice to Leave requiring the Respondent remove from the Property by 4 October 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 ("the 2016 Act").
- v. The Applicant has served on East Renfrewshire Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vi. After serving the Notice to Leave the Respondent texted to say he would move from the Property if he could find somewhere else to go.
- vii. The Applicant has not had access to the Property. On the last occasion the Applicant attended the Property the Respondent threatened to call the Police.
- viii. The Applicant has received no requests for a reference nor any contact from the local authority.
- ix. The Applicant requires to sell the Property to pay debts.
- x. There is no mortgage over the Property.
- xi. The Applicant has one other rented property in Paisley which he does not intend to sell. The tenant there is a good tenant. That property also has a shop attached to it and would be more complicated to sell.
- xii. The Applicant is not sure of the state of the Property. Work will likely be required before the Property can be sold. The Applicant is a painter and decorator and can do a lot of work himself. He also has friends in all the trades.
- xiii. The Applicant has not been able to get access for gas safety checks placing neighbours at risk. On the last occasion the Applicant attended the Property, which is around 3 years ago, the Respondent threatened to call the Police.
- xiv. The Applicant cannot sell the Property with the Respondent in occupation. He cannot advertise the Respondent as a good tenant.
- xv. The Property is a one bedroomed flat.
- xvi. The windows are covered and the curtains and blinds always closed.
- xvii. The "Terms of Agreement" of Barrhead Property Centre dated 25 June 2025 is sufficient to evidence the Applicant's intention to sell the property.

Reasons for decision

The Respondent did not attend the CMD and did not submit any written representations response to the application. The factual background narrated by the Applicant within the application papers and orally by him and his partner at the CMD was not therefore challenged and was accepted by the Tribunal.

The application proceeds upon Grounds 1 of Schedule 3 of the 2016 Act.

Ground 1 of Schedule 3 of the 2016 Act states:-

- "(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."

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a), being the heritable proprietor thereof.

Sub-paragraph 2(b) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon "Terms of Agreement" of Barrhead Property Centre dated 25 June 2025 relative to the sale of the Property. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(b).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(c). Given the Applicant's circumstances and the absence of any challenge from the Respondent the Tribunal considers it reasonable to grant an eviction order.

On that basis the Tribunal granted an eviction order in terms of Ground 1 of Schedule 3 of the 2016 Act.

Decision

The Tribunal granted an eviction order against the Respondent in favour of the Applicant in terms of Ground 1 of the 2016 Act.

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.

Gillian Buchanan

9 July 2026

Legal Member/Chair

Date