



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section under section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4321

Re: Property at 27 Arnott Drive, Coatbridge, ML5 4DL (“the Property”)

Parties:

Ms Sarah Ramjeet, 27 Lord Roberts Avenue, Leigh on Sea, SS9 1ND (“the Applicant”)

Mr Colin Frame, 27 Arnott Drive, Coatbridge, ML5 4DL (“the Respondent”)

Tribunal Members:

Fiona Stephen (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced prior to 3 August 2026.

Background

1. By application dated 7 October 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 a letter to Jewel Homes to market the property once vacant possession is obtained.
2. The Application was accepted by the Tribunal on 8 December 2025 and referred for determination by the Tribunal.

3. The Respondent was served with the papers in this case by Sheriff Officers on 25 March 2026 conform to Execution of Service of the same date.
4. A CMD was fixed for 2 June 2026 at 10am by teleconference call and written representations were to be lodged with the Tribunal by 11 April 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, Pete Ngo and the Respondent dated 23 June 2023;
 - (iii) Confirmation from the Scottish Landlord Register that the Property is registered in the name of the Applicant;
 - (iv) Confirmation from the Landlord that a representative from Jewel Homes, Atrium Business Centre, North Caldeen Road, ML5 4EF could appear on her behalf; and
 - (v) Case Papers
6. A Case Management Discussion (CMD) took place on 2 June 2026 by teleconference call. Ms McGuire from Jewel Homes appeared for the Applicant. 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 explained the matters which it had to consider in terms of Ground 1 of Schedule 3 of the Act before it could decide whether or not to grant the eviction order.

The Case Management Discussion

9. The Tribunal noted that the tenancy commenced on 23 June 2023 and is in the name of the Applicant and Pete Ngo. The property is owned outright by the Applicant. The Tribunal asked Ms McGuire to explain why Mr Ngo appeared on the tenancy agreement. She explained that the Applicant and Mr Ngo were business partners although Mr Ngo was a silent partner. Their arrangement had changed but the tenancy paperwork had not been updated.
10. Ms McGuire explained there had been some developments since the Application had been lodged. The Applicant has 2 properties which Jewel Homes manage (and that is the extent of the Applicant's property portfolio) and has decided that it is no longer profitable to rent them and wants to remove herself from the rental market. She has obtained a Home Report within the last month (although this is not with the Tribunal). She is currently in discussion with the Local Authority who have indicated a willingness to buy the property and keep the tenant in place although nothing is concrete. The

Local Authority have the Home Report. If agreement cannot be reached with the Local Authority then the Applicant will put the property on the market.

11. On questioning by the Tribunal, Ms McGuire confirmed that the Applicant is still seeking an eviction order but that will only be enforced if the Local Authority do not proceed with a purchase of the property. Ms McGuire confirmed that the Respondent was a working man who lived on his own. He is a good tenant and there are no arrears of rent. Rents have increased in the local area and he cannot afford those rents. Her understanding is that he has approached the Local Authority but has been told that they cannot assist him without an eviction order.

12. The Tribunal members adjourned for a short period to discuss matters.

Findings in Fact

13. Having heard from the Applicant's representative, 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 23 June 2023 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 11 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 has two properties which she rents and has decided that she wishes to remove herself from the rental market as it is not profitable for her;
- (vii) On 14 November 2025, the Applicant instructed Jewel Homes, Atrium Business Centre, North Caldeen Road, ML5 4EF to take steps to market the property as soon as vacant possession was obtained;
- (viii) Since the current application was lodged, the Applicant has obtained a Home Report;
- (ix) The Applicant is currently in discussions with the local authority about selling the property to them;
- (x) In the event that the Applicant does not reach agreement with the local authority, she intends to sell the property on the open market with vacant possession;
- (xi) The Respondent was served with a copy of this Application by Sheriff Officer on 25 March 2026 and received intimation of the date of the Case Management Discussion;
- (xii) The Respondent is a working man and lives on his own. He is a good tenant with no rent arrears;
- (xiii) Rents have increased in the local area and the Respondent has approached the local authority for assistance.

Reasons for Decision

14. 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.

15. 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.”

16. 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). 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)).

17. 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(1) (2) (a) and (b) of Schedule 3 of the Act.

18. 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 Landlord wishes to sell i.e. to remove herself from the letting market. The Tribunal also noted that the Applicant is currently in dialogue with the local

authority with a view to them acquiring the property with a tenant in place. If the eviction order were to be granted then the Applicant would not enforce the order for a few weeks to enable discussions with the local authority to continue. However if those discussions come to nothing, the Applicant still wishes to sell the property. The Tribunal noted that the Respondent has not lodged a written response nor did he attend the CMD. On that basis the Tribunal considered it was reasonable to conclude that he does not oppose the granting of the eviction order. Ms McGuire was able to provide some information relating to the Respondent in terms of his contact with the local authority. She described the Respondent as a "good tenant" and there are no rent arrears. It is to be hoped that discussions with the local authority will be successful so that he can remain in situ (although there is no guarantee of that).

19. In addition to determining that the Applicant has satisfied the requirements of Ground 1 (1) and (2) of Schedule 3, the Tribunal consider that it is reasonable to make an eviction order in terms of ground 1 (3) for the reasons stated above. However it is also appropriate in the circumstances to provide that the order may not be enforced prior to 3 August 2026.

Decision

The Tribunal makes an order for eviction of the Respondent, Mr Colin Frame from the Property at 27 Arnott Drive, Coatbridge, ML5 4DL said order not to be enforced before 3 August 2026.

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**

Date 2 June 2026