



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 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/26/0895

Re: Property at 21 Hill Avenue, Newton Mearns, East Renfrewshire, G77 6BL (“the Property”)

Parties:

Mr Amrik Rathor, Parmeela Rathor, 45 Heathcliff Drive, East Kilbride, Glasgow, G75 8ZA (“the Applicant”)

Miss Niamh O'Byrne, 21 Hill Avenue, Newton Mearns, East Renfrewshire, G77 6BL (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 24 February 2026, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 3 to the 2016 Act (landlord intends to sell). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003 and evidence in support of the ground,

namely confirmation that estate agents were instructed in relation to the proposed sale.

2. Following initial procedures, on 23 March 2026, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion ("CMD") fixed for 16 July 2026 was served on the Respondent by Sheriff Officer on 15 June 2026. In terms of said notification, the Respondent was given an opportunity to lodge written representations. No written representations were lodged by or on behalf of the Respondent prior to the CMD.

Case Management Discussion

4. The Case Management Discussion ("CMD") took place by telephone conference call on 16 July 2026 at 2pm. Both Applicants, Mr and Mrs Rathor were in attendance, as was the Respondent, Miss O'Byrne and the Applicant's representative from Clarity Simplicity Ltd, solicitors, Ms Anderson.
5. Following introduction and introductory comments by the Legal Member, Miss O'Byrne was asked to confirm her position in respect of the application. She confirmed that she was consenting to it. She explained that she used to live with her partner but that they have now separated and that it is difficult for her to afford the increased rent or another private let in the Newton Mearns area. She lives with her son and her nephew, of whom she has care. She has spoken to the local authority regarding her situation and applied to a number of housing associations but has been told the same thing by them all, that she needs to await an eviction order being granted by the Tribunal. She is in attendance today in order to explain this.
6. Ms Anderson was asked to address the application on behalf of the Applicants. She confirmed that they intend to sell the Property in connection with their retirement. It was always their intention to sell the Property for this purpose as they have no private pension provision. The matter has been ongoing for some time and they would like to see some progress and have some certainty with an eviction order being granted. They have already instructed AVJ Homes to market the Property once it is vacated. Although it is not a ground of this application, Ms Anderson advised that there are rent arrears owing by the Respondent of over £4,000 which she considers is relevant in terms of the Tribunal's reasonableness considerations.
7. Miss O'Byrne indicated that she disputes the level of arrears stated and explained that she was not notified of the rent increase and rejected it as she stated there had been no upkeep of the Property and the increased rent is too high. She confirmed that she would wish the eviction order to be granted on the usual timescales and is not seeking any extension as she wishes to bring her liability for ongoing rent to an end as soon as possible.

8. The Tribunal conferred to consider the application and advised parties that the Tribunal would grant the eviction order sought, on usual timescales, and that the decision would follow in writing as soon as possible, stipulating the earliest eviction date (16 August 2026). Miss O'Byrne confirmed that she was happy for the Tribunal to communicate the decision to her by email to speed the process up and so that she could provide a copy to the local authority as soon as possible. She provided her email address and also requested a copy be sent by post. It was recommended that parties communicate with each other regarding the date for Miss O'Byrne vacating. Parties were thanked for their attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 2 February 2018.
3. The Applicant intends to sell the Property and to market it for sale as soon as possible and within 3 months of obtaining vacant possession, having already instructed an estate agent in the matter.
4. A Notice to Leave in proper form and giving the requisite period of notice (84 days) was served on the Respondent by both email on 5 November 2025 and by Sheriff Officer on 7 November 2025.
5. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 31 January 2026.
6. The Tribunal Application was submitted on 24 February 2026.
7. The Respondent has remained in occupation.
8. The Applicant requires to sell the Property for financial reasons, due to their pending retirement.
9. The Respondent lives with her son and nephew and has made application to the local authority and housing associations for social housing.
10. The Respondent can no longer afford a private let, due to the high rental costs and her own personal circumstances.
11. The Respondent does not oppose the application, nor seek any extension of the earliest applicable date for eviction.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation and the additional oral information provided at the CMD on behalf of the Applicants and by the Respondent.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice (84 days) had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act.
3. The Tribunal considered that the ground of eviction, that the landlord intends to sell (Ground 1 of Schedule 3 to the 2016 Act, as amended) was satisfied in that all elements of Ground 1 were met and that it was reasonable, having regard to the lack of opposition from the Respondent and all of the circumstances known to the Tribunal, to grant the eviction order sought.
4. The Tribunal had noted that there was supporting documentation with the application from the Applicant's estate agent who had been instructed to act in the sale of the Property with a view to it being sold once vacant possession had been obtained. The Tribunal noted the Applicant's personal and financial circumstances, and the reasons stated for them requiring to sell the Property, all as narrated above. The Tribunal also noted the Respondent's personal and financial circumstances and that she accepted the Applicant's position with regard to eviction and did not oppose the application. It was noted that the Respondent lived with her son and nephew and that she had already been in contact with the local authority and others to make application for social housing. The Tribunal noted that the Respondent did not wish the Tribunal to extend the usual timescales for eviction and also that the Applicant wished the eviction to take place as soon as possible.
5. The Tribunal did not have any material before it to contradict the Applicant's position, nor any opposing arguments from the Respondent. The Tribunal accordingly determined that an order for eviction could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.
6. The earliest date for eviction, which will be stated in the eviction order, will be **16 August 2026**.
7. The Tribunal's decision is unanimous.

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.

Nicola Weir

Legal Member/Chair

16 July 2026
Date