Housing and Property Chamber
First-tier Tribunal for Scotland

Decision 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/26/1238

Re: Property at 70 Craigieburn Road, Cumbernauld, G67 2NE ("the Property")

Parties:

Mr Mohammed Ali, 2 Gullane Cresent, Cumbernauld, G68 0HR ("the Applicant")

Miss Adriana Kotlarova, 70 Craigieburn Road, Cumbernauld, G67 2NE ("the Respondent")

Tribunal Members:

George Clark (Legal Member) and Ann Moore (Ordinary Member)

Decision
The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 17 March 2026, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act"). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.

2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 1 September 2022 at a rent of £400 per month, and a Notice to Leave dated 17 November 2025 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 10 February 2026. The Applicant also provided the Tribunal with a copy of a letter of engagement of 5 March 2026 with solicitors in relation to the sale of the Property.

3. On 8 August 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 29 August 2026. The Respondent did not make any written representations to the Tribunal.

4. On 15 September 2026, the Respondent's solicitors made further submissions in relation to whether it would be reasonable to issue an Eviction Order. They stated that the Respondent has a mortgage over the Property and that the mortgage repayments are only slightly below the level of rent. The Respondent has not, however, paid any rent since 2 October 2024 and has arrears of approximately £11,500. In addition, the Applicant has to pay factoring charges and other costs in relation to the Property. It is his only rental property, and he wishes sell and to exit the rental market. He already has a possible interested purchaser, but no formal offer has been received.

1. The Applicant's solicitors also provided the Tribunal with a copy of a letter from the next-door neighbours which stated that the Respondent appeared to have vacated the Property in December 2025. She has, since then, called back on a number of occasions to collect mail, but appears to have no belongings left in the Property. A copy letter from Govanhill Housing Association was also submitted, which confirmed that a Ms Kotlarova had applied to them for housing and requested a reference. On closer inspection, however, the Tribunal ascertained that it related to a Ms Monika Kotlarova, who is not the present Respondent.

Case Management Discussion

2. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 22 September 2026. The Applicant was present and was represented by Mr Andrew Devlin of Clarity Simplicity, solicitors, Glasgow. The Respondent was present.

3. There were issues of language communication at the Case Management Discussion, and the Tribunal Members went to considerable lengths to explain the issues to the Respondent. The Tribunal considered whether to adjourn proceedings to a later date to enable the Respondent to have access to an interpreter, but was ultimately satisfied that the Respondent understood the process and the Tribunal Members concluded that they, in turn, understood what she wanted the outcome to be. The Tribunal did not, therefore, regard it as necessary in the interests of justice and fairness, for an interpreter to be present.

4. The Respondent told the Tribunal that she had a meeting yesterday with the local authority who told her that she requires housing priority in order to be rehoused. She would have housing priority if an Eviction Order was issued against her and the Council asked her to contact them again when she had the outcome of today's proceedings. She was critical of the condition of the Property and stated that she did not want to continue to live there, but wanted a council house.

5. The Applicant and his representative told the Tribunal that the Applicant has to support his wife and five children and that, as he has received no rent for two years, but has to continue with mortgage payments and other costs related to the Property, he has to sell it and has no wish to remain a landlord. The Property is deteriorating and neighbours have complained about vermin infestation. The fact that he is not pursuing rent arrears speaks to his reasonableness. He wants the Property back so that he can sell it. It appeared to him that the best solution for the Respondent as well would be for the Tribunal to issue an Eviction Order at the end of what has been a very long process. The Applicant had identified a suitable buyer.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.

7. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.

8. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

9. The Tribunal was satisfied from the letter of engagement and the submissions of the Applicant, that he intends to sell the Property as soon as possible after he obtains vacant possession. The only issue for the Tribunal to decide, therefore, was whether it would be reasonable to issue an Eviction Order on account of that fact.

10. The Tribunal noted that the Respondent may, to all intents and purposes, have vacated the property, although the position was not absolutely clear. She has accumulated very large rent arrears and has paid no rent for almost two years. This is not the ground on which the Applicant is seeking an Eviction Order, but it does have a bearing on whether it would be reasonable for the Tribunal to issue such an Order, given that the Applicant has to make monthly mortgage payments and meet factoring fees, insurance premiums and other costs. The Respondent has been in touch with the local authority, and it appears that she has been advised that, unless she has an Eviction Order granted against her, she will not attain priority housing status, so will not be rehoused. She made it

clear to the Tribunal that she does not want to continue to live in the Property, as she wants a Council house.

11. The Tribunal had to consider, in determining whether it would be reasonable to issue an Eviction Order, the impact on both Parties. The Applicant clearly wants to exit the rental market and is having to support his family whilst receiving no rent. He remains liable to make mortgage payments and factoring charges and meet other costs for the Property, whilst receiving no income from it. The Respondent does not want to continue to live in the Property and has made contact with the local authority, but, in the absence of an Eviction Order, they cannot help her. It seemed to the Tribunal that it would be in the interests of both Parties for the tenancy to be terminated, allowing the Applicant to sell and the Respondent to have access to advice and support services with a view to being rehoused.

12. The Tribunal, having considered carefully all the evidence before it, decided, on balance, that it would be reasonable to issue an Eviction Order.

13. The Tribunal's decision was 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.

George Clark

Legal Member/Chair

22 September 2026
Date