Housing and Property Chamber
First-tier Tribunal for Scotland

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/26/1006

Re: Property at 166 Montrose Street, Clydebank, G81 2PE ("the Property")

Parties:

Mr Iain Walker, 52 Kessington Road, Bearsden, G61 2HJ ("the Applicant")

Ms Fiona Aitken, 166 Montrose Street, Clydebank, G81 2PE ("the Respondent")

Tribunal Members:

Andrew Upton (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that (i) the Applicant intends to sell the Property, (ii) it is reasonable to grant an eviction order under Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016, and (iii) the Private Residential Tenancy between the parties will terminate on 26 November 2026.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 26 October 2026. The Parties were both present on the call.

2. In this Application the Applicant seeks an eviction order. He claims that the Respondent was initially a tenant of the Property under a Short Assured Tenancy agreement in 2014, but that this subsequently converted to a Private Residential Tenancy in 2023. The Applicant claims that he wishes to sell the Property. In the Application he makes reference to his age and ill-health as reasons for his decision. He founds on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act").

3. At the CMD the Applicant confirmed that he is eighty years old and has been undergoing cancer treatment at the Beatson for approximately eighteen months. He also has nerve damage in his left leg which means he now requires to walk with a stick. The Property is an upper floor cottage flat with two bedrooms. The Applicant spoke of his difficulty in ascending two flights of stairs to inspect the Property. The Property was purchased to provide a retirement income for the Applicant. However, he now no longer wishes to be a landlord and wishes to realise the capital in the Property. There is no mortgage lending over the Property. The Property has not been adapted for use by the Respondent. The Applicant does not offer any other properties for let.

4. The Respondent confirmed that she accepted that the tenancy had converted from a Short Assured Tenancy to a Private Residential Tenancy. She also did not dispute that the Applicant wishes to sell. Her position was that she had spoken with the local authority and been told that she had to conclude this process before she could be rehoused. The Respondent is employed part-time as a child care worker. She has a car which she uses to commute to her work. The Respondent confirmed that she had certain medical conditions that do not, of themselves, mean that the Property is more particularly suited to her than other Properties in the area. She accepted in any event that the Property had not been adapted for her use.

5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 the Tribunal may do anything at a CMD that it may do at a Hearing including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes the need to avoid unnecessary delay.

6. There is no substantive dispute between the parties. There is no requirement for a Hearing to be fixed to hear evidence or substantive legal argument. The reality is that the Parties agree that the tenancy is a Private Residential Tenancy and that the Applicant intends to sell the Property. The only matter that the Tribunal requires to determine for the purposes of Ground 1 for eviction is whether it is reasonable to grant the order.

7. The Tribunal unanimously determined that it was reasonable. The Applicant is in receipt of cancer treatment. He wishes to realise his capital in the Property. The Respondent has no real difficulty in being required to move. The Property has not been adapted for her use. She is in employment but has a car which she uses to commute. She can continue to do that from another property.

8. Accordingly, the Tribunal determined that it should grant the eviction order. For the purposes of section 51(4) of the 2016 Act the Private Residential Tenancy between the parties will terminate on 26 November 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.

A Upton

26/10/2026

Legal Member/Chair **Date**