

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/24/5713

Re: Property at Flat 1/1, 136 Main Street, Rutherglen, G73 2HU (“the Property”)

Parties:

**Mr Justin Girasoli, 38 Whiteacres Road, Glasgow, G53 7LJ (“the Applicant”)
and**

**1st Lets (Glasgow) Ltd, 2 Calder Street, Glasgow, G42 7RT (“the Applicant’s
Representative”) and**

**Mr Lukas Balog, Flat 1/1, 136 Main Street, Rutherglen, G73 2HU (“the
Respondent”)**

Tribunal Members:

**G McWilliams- Legal Member
A Moore - Ordinary Member**

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined to grant an eviction order:**

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant’s Representative had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to South Lanarkshire Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

Case Management Discussion on 5th August 2025

3. A Case Management Discussion (“CMD”) proceeded remotely by telephone conference call at 10.00am on 5th August 2025. The Applicant’s son, Mr H Girasoli, attended in person at the Glasgow Tribunals Centre and participated in the CMD by telephone from there. He explained that it had been agreed with the Applicant’s Representative that he, rather than they, would attend the CMD. The Respondent, Mr Balog, did not attend and was not represented. There was no explanation for his absence. The Tribunal noted that Sheriff Officers had served the Application papers, as well as written details of the CMD, by posting them through the letterbox of the Property on 17th June 2025.
4. Mr H. Girasoli referred to the Application papers. Mr H. Girasoli said that Mr J. Girasoli, through his Representative, had previously tried to increase the rent for the Property but Mr Balog rejected that proposal. He said that, in terms of the original monthly rent amount due, there are no arrears. He read out a written statement from Mr J. Girasoli. In that statement Mr J. Girasoli stated that he had not wanted to have to apply to evict Mr Balog. He said that in August 2024 his Representative informed Mr Balog that he wished to sell the Property. He stated that Mr Balog expressed an interest in purchasing the Property but that, in October 2024, Mr Balog said that he was unable to obtain a mortgage for a purchase. Mr J Girasoli stated that he now had to sell the Property on the open market. He said that his monthly profit, before tax, in respect of rental of the Property, is £39.82 which means that when repairs are required he suffers loss. In his statement Mr J. Girasoli further said that his wife has to retire from her employment as a result of her poor health and his family also have to sell the Property due to the negative financial impact of his wife stopping work. Mr H. Girasoli asked the Tribunal to grant the eviction order sought in the Application.

Statement of Reasons

5. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
7. The Tribunal considered the Application papers, including the PRT, Notice to Leave and supporting papers. The Tribunal also considered the written statement of the Applicant Mr J. Girasoli, which had been read out by his son Mr H. Girasoli, and also the latter’s oral submission. Having done so, the Tribunal finds in fact, on a balance of probabilities, that Mr J. Girasoli, through his Representative, has provided the Tribunal, in his Application for an eviction order, with copies of the parties’ PRT, the Notice to Leave served on the Respondent Mr Balog and the Section 11 Homeless etc Act Notice subsequently issued to South Lanarkshire Council. All of the documents and

forms had been correctly and validly prepared in terms of the provisions of the legislation and the procedures set out in the legislation had been correctly followed and applied. Mr J. Girasoli seeks to sell the Property for family health and financial reasons. Mr Balog has not made any representations opposing the grant of the order sought in the Application.

8. In making its findings in fact the Tribunal relied on the documentation within the Application, the terms of Mr J. Girasoli's written statement, read out by his son Mr H Girasoli at the CMD, as well as on the latter's oral submission, which were all consistent.
9. Further, the Tribunal, in making their findings in fact, placed reliance on the absence of any contradictory information or submissions from the Respondent, Mr Balog. The papers in respect of the Application had been served effectively on him and details of the CMD had been sent to him. He is aware of the important nature of the Application but has not lodged any representations regarding the merits of the Application and the reasonableness of the grant of the order sought.
10. The Application for an eviction order proceeds in terms of Schedule 3 (1) to the 2016 Act. Having made the above findings in fact the Tribunal find in law that the ground in Schedule 3 (1) is met as Mr J Girasoli intends to sell the Property for financial and family health reasons and, also that, in all the circumstances, it is reasonable that an eviction order be granted.

Decision

11. The Tribunal therefore makes an order for eviction of the Respondent, Mr Lukas Balog, from the Property at Flat 1/1, 136 Main Street, Rutherglen, G73 2HU.

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.

Gerald McWilliams

G McWilliams

Tribunal Legal Member

5th August 2025

Date