



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/25/2777

Re: Property at 4 Loanfoot Cottages, Skirling, Biggar, ML12 6HD (“the Property”)

Parties:

Mr Henry Armstrong, Ms Jacqueline Veronica Nimmo, Caroline Jane Anne Tice, 2 Mamore Drive, Earlston, TD4 6JF; Hopton Farm, Ancrum; 47-49 The Square, Kelso, TD5 7HW (“the Applicants”)

Mr Dylan Gillon, 4 Loanfoot Cottages, Skirling, Biggar, ML12 6HD (“the Respondent”)

Tribunal Members:

Nicola Irvine (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”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicants submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 21 January 2026 informing both parties that a CMD had been assigned for 10 March 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required

to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to make written representations by 11 February 2026.

4. On 27 January 2026, the Tribunal received an email from the Respondent requesting a postponement of the CMD assigned for 10 March 2026. He explained in the email that because of health conditions, he would be unable to manage to join the conference call and sought to represent himself in writing rather than verbally. The Respondent sought a postponement for a period of 4 to 6 months.
5. On 17 February 2026 the Tribunal received an email from the Applicants' representative opposing the postponement request and advising that the Respondent has not paid rent since August 2025. On 19 February the Respondent sent four emails to the Tribunal setting out representations which were to be added to his request for a postponement.
6. On 25 February the Tribunal refused the Respondent's request to postpone the CMD. The Respondent was advised that CMDs take place by in-person hearings, video calls and telephone conference calls.
7. On 25 February, the Respondent asked the Tribunal to review that decision, stating that reasonable adjustments should have been made and that he had not been permitted to make written submissions. On 2 March 2026, the Tribunal sent an email to the Respondent advising that if he did not feel able to take part in the case management discussion, the Tribunal would take account of any written submissions he wished to make. He was also advised that there is no provision in the Procedure Rules to pause proceedings.
8. The Tribunal received a further detailed written representation from the Respondent on 4 March 2026.

The case management discussion – 10 March 2026

9. The CMD took place by conference call. The Applicants were represented by Mr John Rodger, solicitor. The Respondent did not join the call and the discussion proceeding in his absence. The Tribunal explained the purpose of the CMD.
10. The Tribunal observed that the written representations submitted by the Respondent make reference to repairing issues, unscheduled visits to the Property, disruption because of work carried out and treatment by the First Applicant that he perceived amounted to harassment. The Applicants' position was that Property inspections may have been handled differently. However, the Applicants' agent arranged for the attendance of tradesmen in respect of repairs which were required and access was not readily permitted. The First Applicant is 86 years of age and intends to retire. He does not have any pension provision and intends to sell the Property, along with a neighbouring property to fund his retirement. The Applicants intend to cease activity as landlords. The

neighbouring Property has been vacant for a number of months. The Applicants received an offer to purchase the Property and the neighbouring property, but that transaction did not proceed because the Respondent did not vacate the Property. The Respondent is believed to live alone with no dependents and is in receipt of benefits. His employment status is unknown to the Applicant.

11. The Tribunal adjourned the CMD to enable the members to discuss matters in light of the information provided. When the CMD was reconvened, the Tribunal advised that it found the ground for eviction established and found that it is reasonable to grant an order for eviction.

Findings in Fact

12. The Applicants are the owners and landlords of the Property at 4 Loanfoot Cottages, Skirling, Biggar, ML12 6HD. They are entitled to sell the Property.
13. The Respondent is the tenant of the Property.
14. The tenancy in question is a private residential tenancy which commenced on 16 December 2018.
15. The Applicants served Notice to Leave on the Respondent by email on 4 February 2025.
16. The Applicants intend to sell the Let Property.

Reason for Decision

17. In accordance with Rule 17(4) of the Rules, the Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
18. The Tribunal proceeded on the basis of the documents and written representations lodged and the information provided at the CMD. Before the Tribunal can grant an order for eviction, it must first of all be satisfied that a valid ground of eviction is established and thereafter it must be satisfied that it is reasonable for an eviction order to be granted.
19. The present application discloses that the Applicants intend to sell the Property in order to financially support the First Applicant in his retirement. Supporting documentation was lodged demonstrating an intention to sell the Property. The Respondent lodged written representations raising a number of concerns about the Applicants' conduct during the tenancy, including allegations relating to unannounced visits, repairs, and harassment. The Tribunal considered these submissions. However, none of the matters raised challenged the Applicants' intention to sell the Property or contradicted the documentary evidence lodged in support of that intention. The Tribunal was therefore satisfied that Ground 1 is established.

20. In considering reasonableness, the Tribunal took account of the Respondent's submissions, which referred to personal circumstances including bereavement and health issues, and suggested that the sale should be postponed. No supporting evidence was provided in relation to any health conditions. The Tribunal also took account of the Applicants' circumstances, including the age of the First Applicant, their ownership of the Property, and their stated intention to sell in order to support the First Applicant in retirement. The Tribunal further noted that rent has not been paid since August 2025, resulting in arrears of £2,880, and no explanation was provided for this non-payment. Having considered the written submissions and the discussion at the CMD, the Tribunal was satisfied that it had sufficient information to determine the application at that stage. Taking all relevant circumstances into account, the Tribunal concluded that it is reasonable to grant an eviction order.

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.

N Irvine

Legal Member/Chair

10 March 2026

Date