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/26/2417

Re: Property at 43, 3/1 Eversley Street, Glasgow, G32 8HS ("the Property")

Parties:

Ms Julia Ann Davidson Berrington, 36 St Marys Street, St Neot, PE19 2TA ("the Applicant")

Ms Lorna Timms, 43, 3/1 Eversley Street, Glasgow, G32 8HS ("the Respondent")

Tribunal Members:

Lauren Rae (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for eviction of the Respondent from the Property should be granted.

Background

1. By application dated 28 May 2026, the Applicant sought an order for eviction of the Respondent from the Property in terms of section 51 and schedule 3, grounds 1 and 12 of the Private Housing (Tenancies) (Scotland) Act 2016 ("2016 Act") and rule 109 of the First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("2017 Rules).

2. The application was accompanied by:-

    - Copy private residential tenancy agreement between the parties dated 27 November 2025 (unsigned).
    - Copy notice to leave dated 19 March 2026
    - Sheriff Officer's certificate of service of the notice to leave dated 20 March 2026

- Copy section 11 notice and covering email to local authority dated 28 May 2026
- Letter of Engagement from Countrywide (Estate Agent) dated 21 May 2026
- Conveyancing fee estimate from Complete Clarity Solicitors dated 28 May 2026.

3. Prior to the case management discussion, the Applicant lodged additional documents including a signed copy of the tenancy agreement, copy title sheet and plan, and a rent statement.

4. The application was accepted for determination on 16 June 2026 and a case management discussion ("CMD") fixed for 26 October 2026 at 10am. Notification of the date and time of the CMD along with a copy of the application was served on the Respondent by Sheriff Officer on 20 August 2026. A copy of the certificate of service was lodged in process.

The CMD

5. The CMD took place on 26 October 2026 at 10am via telephone conference. The Applicant was in attendance along with her legal representative, Ms Sophie Newbury, Complete Clarity Solicitors. There was no appearance by or on behalf of Respondent.

6. The tribunal explained the purpose of the CMD and the powers available to it to determine matters.

7. Ms Newbury, for the Applicant, sought an order for eviction. She explained to the tribunal that the Applicant intended to sell the Property. She had engaged Countrywide to market the Property for sale upon vacant possession and had lodged in process a copy of the letter of engagement. She had obtained a quotation from Complete Clarity Solicitors, which was likewise lodged in process.

8. Ms Newbury submitted that the Applicant currently resides in rented accommodation in England. She requires to sell the Property to fund the purchase of another property in England, in which she intends to reside. Due to ill-health, the Applicant has reduced her working hours and is in receipt of state pension. The Respondent has accrued arrears of approximately £8,000 and failed to pay the full deposit for the Property. The Applicant is paying the buy to let mortgage in absence of the Respondent's rental payments which is not sustainable for her. In addition, she is also paying the monthly factoring fees and property management fee. The Applicant is not seeking to payment of the arrears from the Respondent nor is she relying on the rent arrears as a ground of eviction (notwithstanding the terms of the notice to leave), instead she wishes to sell the Property to alleviate the financial hardship and allow her to purchase a property where she is located.

9. Under questioning from the tribunal, the Applicant advised that her decision to sell despite the relatively short period of occupation by the Respondent was,

in part, triggered by the Respondent's failure to pay the rent and full deposit, broken verbal promises of payment as well as a family bereavement and caring responsibilities towards her surviving parent. The Applicant advised that she owned one other flat in the Glasgow area, which is also intending to sell. The tenant in the other flat is paying rent so the Applicant's immediate focus had been on selling the Property.

10. In terms of the Respondent's personal circumstances, she is believed to be in receipt of housing benefit. She occasionally has her adult daughter and granddaughter (estimated to be aged 5) reside with her. No further information about her personal circumstances in known to the Applicant.

Findings in Fact

11. The Applicant is the heritable proprietor of the Property registered in the Land Register of Scotland under title number LAN159774.

12. The parties entered into a private residential tenancy agreement which commenced on 27 November 2025.

13. The agreed monthly rent was £800.

14. As at the CMD, the Respondent had accrued arrears of £8000 as confirmed by the rent statement lodged in process.

15. The Respondent had failed to pay £400 of the £800 deposit for the Property.

16. The Applicant issued a notice to leave to the Respondent dated 19 March 2026 seeking ejection on the basis of ground 1 (landlord intends to sell) and 12 (rent arrears for 3 consecutive months)

17. The notice to leave was served on the Respondent by Sheriff Officer on 29 March 2026.

18. A section 11 notice in terms of the Homelessness etc (Scotland) Act 2001 was issued to the local authority by email dated 28 May 2026.

19. The Applicant intends to purchase a property in England and requires to sell the Property to finance it.

20. The Respondent's failure to pay the rent is causing the Applicant financial hardship and repossession of the Property by heritable lender is a possibility.

21. Repossession of the Property by the heritable lender will negatively impact the Applicant's ability to purchase a property in England, where she currently resides.

22. The Applicant has engaged Countrywide (Estate Agents) to market the Property for sale upon the Respondent ceasing to occupy.

23. The Applicant has engaged Complete Clarity Solicitors to sell the Property and carry out the conveyancing.

24. The Applicant owns one other property in Glasgow, which she also intends to sell.

25. The Applicant intends to sell the Property within 3 months of Respondent ceasing to occupy it and accordingly ground 1 of schedule 3 of the 2016 Act is established.

Reasons for Decision

26. Ground 1 of schedule 3 of the 2016 Act states that:-

"(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property,

(b) 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

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts."

27. The Applicant, as the heritable proprietor of the Property is entitled to sell it. She has engaged both an estate agent and conveyancing solicitor to market the Property upon the Respondent ceasing to occupy it.

28. In terms of reasonableness, the Respondent has accrued rent arrears in the sum £8,000. The Applicant is not insisting upon payment of the arrears or an eviction based on ground 12. Nevertheless, due to the non-payment of rent, the Applicant has needed to pay the mortgage over the Property. She has also had to reduce her working hours due to ill-health and caring responsibilities towards a parent. She can no longer afford to subsidise the Respondent and there is a risk of default on the mortgage. The Applicant intends to purchase a property in England, in which she will reside. In order to do so, she needs to sell the Property. If eviction is refused, the Applicant will experience financial hardship and there is a risk of repossession of the Property, which will negatively impact her ability to purchase a property in England.

29. There is minimal information available to the tribunal regarding the Respondent's personal circumstances. She is believed to be in receipt of housing benefit.

30. In all the circumstances before the tribunal, ground 1 of schedule 3 of the 2016 Act is established and it is reasonable to grant an order for eviction.

31. The decision of the tribunal was unanimous.

Decision

32. The tribunal granted an order for eviction

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.

Lauren Rae

Legal Member/Chair **27 October 2026**
Date