

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/25/3646

Re: Property at 56 South Loch Park, Bathgate, West Lothian, EH48 2QZ (“the Property”)

Parties:

Mr Craig Melrose, 118 Inch Wood Avenue, Bathgate, West Lothian, EH48 2EF (“the Applicant”) and

Ms Agnes Shields, 56 South Loch Park, Bathgate, West Lothian, EH48 2QZ (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
H Barclay - Ordinary Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:

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, Mr Melrose, in the Application provided the Tribunal with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to West Lothian 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.

3. The Respondent, Ms Shields, had been validly served by Sheriff Officers with copies of the Application papers and Guidance Notes from the Tribunal, as well as notification of today's CMD, on 13th February 2026, and the Sheriff Officers' Certificate of Intimation was within the Application casefile.

Case Management Discussion on 31st March 2026

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 31st March 2026. Mr Melrose attended. Ms Shields had sent an e-mail to the Tribunal's office on 30th March 2026 stating that she was unable to attend the CMD. In her e-mail Ms Shields said that she has obtained a sheltered housing tenancy and sought that Mr Melrose agree to, and the Tribunal grant, an eviction order with a deferred enforcement date of 16th May 2026. Ms Shields stated that there are works ongoing at her new tenancy property and that she wishes there to be sufficient time for those works to be completed and for her to move into the property.
5. Mr Melrose stated that Ms Shields has arrears of rent currently in the sum of £950.00. He said that he and Ms Shields have always had a good relationship. Mr Melrose stated that he intends to sell the Property as soon as he has possession of it. He said that he would be agreeable to the Tribunal's grant of an eviction order with a deferred enforcement date of 26th May 2026, to ensure sufficient time for Ms Shields to move into her refurbished tenancy of a sheltered housing property.

Statement of Reasons

6. 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.
7. 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.
8. The Tribunal considered the Application papers, including the PRT, NTL and supporting documents. The Tribunal also considered the terms of Ms Shields' e-mail sent to the Tribunal on 30th March 2026 as well as the oral submission made by Mr Melrose at the CMD. Having done so, the Tribunal found in fact that Mr Melrose seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that Mr Melrose and Ms Shields seek the grant of an eviction order the Tribunal found that it is reasonable to make such an order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 26th May 2026. In reaching the latter decision the Tribunal, in particular, placed reliance on their own knowledge that local authorities and housing associations are very busy dealing with applications for social and sheltered housing. The Tribunal also relied on the statements of Ms Shields, in her e-mail, and Mr

Melrose in which they both made clear that they are agreeable to the grant of an eviction order with a deferred enforcement date.

Decision

9. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 26th May 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.

G McWilliams

Tribunal Legal Member

31st March 2026

Date