



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/25/4797

Re: Property at 82 Dunblane Drive, East Kilbride, G74 4EP (“the Property”)

Parties:

Mr Stuart Docherty, Mrs Jacqueline Docherty, 3 Wintergreen Drive, Stewartfield, East Kilbride, G74 4UP (“the Applicants”)

Ms Kayleigh Hogg, Mr Cameron Blair, 82 Dunblane Drive, East Kilbride, G74 4EP (“the Respondents”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. By application dated 6 November 2025 the applicants seek an order for eviction on the ground that they intend to sell the property.
2. The applicants lodged the following documents with the application:
 - Copy tenancy agreement
 - Notices to leave with proof of service
 - Section 11 notice
 - Valuation report and correspondence with estate agents

3. A case management discussion (“cmd”) was assigned for 3 June 2026

Case management discussion – 3 June 2026- teleconference

4. The applicants were represented by Mr Gildea, solicitor, John Jackson & Dick Ltd. The respondents attended on their own behalf.
5. Mr Gildea sought an order for eviction. He stated that the applicants intended to sell the property. The second applicant had retired. The first applicant was planning for retirement. There is an interest only mortgage over the property which requires the sale of the property for the outstanding amount to be repaid. Mr Gildea stated that the applicants no longer wished to be landlords which was also a reason for their intention to sell.
6. Mr Blair stated that the respondents resided with their 4 year old child who has a disability. He stated that the property is not suitable for the respondents and their child. The respondents have been actively looking for alternative suitable accommodation without success. Mr Blair stated that he had sought advice from Shelter Scotland and had an active housing application with the local authority, Mr Blair stated that the application for an eviction order was not opposed as the property was not suitable and the family hoped to obtain alternative suitable accommodation.

Findings in fact and law

7. Parties entered into a private rented tenancy agreement with a commencement date of 1 September 2021.
8. Valid notices to leave were served on the respondents on 1 August 2025.
9. The applicants are the owners of the property.
10. The applicants intend to sell the property as part of their retirement planning.
11. The applicants no longer wish to be landlords.

12. The respondents reside with their young child who has a disability.
13. The property is unsuitable for the respondents and their child.
14. The respondents have been actively seeking alternative suitable accommodation and have an active housing application with the local authority.
15. The respondents do not oppose an order for eviction being granted.
16. Ground 1 in schedule 3 of the Act has been established.

Reasons for decision

17. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

18. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

19. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

20. Ground 1 states:

(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.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

21. The Tribunal accepted the evidence that the applicants intended to sell the property. This was not disputed by the respondents.

22. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against

23. The Tribunal gave significant weight to the fact that the respondents did not oppose the order for eviction being granted and made no objection to the

reasonableness of the order being granted. The Tribunal took into account the respondents' submissions that the property was not suitable for their family's needs.

24. The Tribunal gave weight to the fact that the applicant wished to sell the property as part of their retirement planning and that the outstanding interest only mortgage required sale to redeem the outstanding amount.

25. The Tribunal sought views on whether a suspension of the period before enforcement was sought. No suspension was sought.

26. Taking the foregoing factors into account the Tribunal determined that on balance it was reasonable to grant an 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.

Mary-Claire Kelly

Legal Member/Chair

3 June 2026
Date