



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/26/1416

Re: Property at 27 Ashdale Avenue, Saltcoats, KA21 6AA (“the Property”)

Parties:

Mr Colin Millar, 14 Creeve Road, Randalstown, Northern Ireland, BT41 3LW (“the Applicant”)

Miss Hollie Godfrey, 27 Ashdale Avenue, Saltcoats, KA21 6AA (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted in terms of paragraph 1 of schedule 3 of the 2016 Act in favour of the Applicant

1. Background

1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant seeks an eviction order on the basis of ground 1 of schedule 3 of the 2016 Act, namely, the Applicant intends to sell the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to leave given to the tenant with an email from solicitors confirming their instruction in respect of a sale and notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003.

1.2 No written representations were lodged by the Respondent in advance of the Case Management Discussion.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 18 September 2026 by teleconference. All parties attended personally. The Applicant was represented by Ms McDiarmid of Hovepark Lettings Ltd. The Respondent was represented by Mr Meek of CHAP.
- 2.2 The Applicant's representative confirmed that an eviction order was sought in order that the Applicant may sell the Property. The tenancy between the parties commenced in August 2024. The Applicant was seeking to dispose of his remaining Scottish property portfolio. He had four properties remaining, all tenanted, with notices to leave having been served to the tenants of three of them. The Applicant confirmed that this was a financial decision and it was no longer viable to act as a landlord. The rent being charged on the Property was £695.00 per calendar month and there was finance secured over the Property.
- 2.3 The Respondent's representative confirmed that the application was not opposed. The Respondent had approached the local authority for assistance with rehousing. A housing options interview had been carried out. She had three children residing with her between the ages of 8 and 11. Two of her children were autistic. The family were still awaiting an offer of permanent accommodation. The practice of the local authority was not to offer priority for rehousing until an eviction order was granted. The Applicant could not afford another private let, with rents charged typically higher than that currently paid. The local housing allowance did not cover the whole rent for the Property. To minimise any time in temporary accommodation, the Respondent was seeking an additional delay of two months in enforcement of an eviction order.
- 2.4 The Applicant opposed any further delay. The delay sought by the Respondent would result in the Property being recovered over the festive period which would likely delay a sale. No home report had been instructed as yet as the best practice was to have such a report completed as close as possible to the Property going on the market.
- 2.5 The Tribunal adjourned the Case Management Discussion to consider the issue of any delay in enforcement of an eviction order. A written decision would be issued to the parties.

3. Reasons For Decision

- 3.1 The Tribunal had noted that valid notice to leave had been given to the Respondent by the Applicant. The Applicant sought an eviction order on the basis of paragraph 1 of schedule 3 of the 2016 Act. Paragraph 3 is in the following terms:-
- 1(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.

In the present case, the Applicants had provided a copy of an email confirming the instruction of solicitors which accompanied the notice to leave given to the Respondent. The Tribunal considered that the Applicants had demonstrated their intention to sell the property.

3.2 The Tribunal thereafter considered it reasonable to issue an eviction order. The application was not opposed. The only issue was whether there should be any delay in enforcement of the order. Rule 16A of the Chamber rules is in the following terms:-

16A. Subject to the provisions of housing legislation, the Tribunals Act and these Rules, the First-tier Tribunal may regulate its own procedure, including—

(a) extending or shortening the time for complying with any rule or order,

(b) specifying a case as a lead case where two or more cases—

(i) are before the First-tier Tribunal,

(ii) give rise to common or related issues of fact or law, and

(iii) have not been finally determined,

(c) adjourning or postponing cases which are not the lead case until the common or related issues have been determined in the lead case,

(d) ordering a delay in execution of an order by the First-tier Tribunal at any time before it is executed

Section 51(4) of the 2016 Act simply requires the Tribunal to specify a date upon which the private residential tenancy between the parties is to end. The Tribunal therefore considered whether, in all the circumstances, it was in the interests of justice to order a delay in enforcement. The Respondent had applied for rehousing and had applied to the local authority. It was within the Tribunal's knowledge that a local authority would owe duties to the Respondent in terms of rehousing should she be likely to become homeless within the next two months. The Tribunal considered it appropriate to order a delay in enforcement of the eviction order of a month, in addition to the usual period allowed, giving the local authority time to provide suitable, affordable accommodation and in light of there being dependent children residing with the Respondent.

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.

Alastair Houston

Legal Member/Chair

23 September 2026
Date