

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

Chamber Ref: FTS/HPC/EV/25/3968

Re: Property at 2 Third Avenue, Renfrew, PA4 0QA (“the Property”)

Parties:

Mr Graham Anderson, 62 Gleniffer Road, Renfrew, PA4 0QX (“the Applicant”)

Mrs Natalie Rankine, 2 Third Avenue, Renfrew, PA4 0QA (“the First Respondent”)

Mr Paul McBride, 2 Third Avenue, Renfrew, PA4 0QA (“the Second Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application made under ground 1, whereby the Applicant is seeking an eviction order. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 2nd August 2018 at a monthly rent of £450, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion (“CMD”) was made upon the Respondents by Sheriff Officer on 24th February 2025.
3. By email dated 17th March 2026, the First Respondent lodged written representations stating that she was opposing the application.
4. By email dated 2nd April 2026, the Applicant lodged written representations.

5. By email dated 13th April, which email was provided to Tribunal Members on 14th April 2026, the First Respondent requested a postponement of the CMD. The Tribunal did not grant the postponement.
6. A CMD took place by telephone conference on 15th April 2026. The Applicant was in attendance. The First Respondent was in attendance. The Second Respondent was not in attendance. The First Respondent confirmed that the Second Respondent is no longer living at the Property, but he attends frequently and had received the case papers and notification of the CMD. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Second Respondent.
7. The Applicant said his intention and position was as set out in the case papers. The Applicant explained that the Property had been his home until he bought a guesthouse 18 years earlier. It was always his plan to sell the Property for his retirement. This is the only property let by the Applicant. There is no mortgage on the Property. The Applicant is retired.
8. The First Respondent said she would not say she was opposing the order. The Applicant has been an exceptional landlord. The Respondent said she wanted to leave and move closer to her children's school, which is located in Cardonald in the south side of Glasgow. She has two children aged 12 and 16. Her older child is about to start Higher exams. The First Respondent said she has qualified for mid-market rental and has filled in application forms. The First Respondent has had considerable health issues since last August. The issues are ongoing and are not yet under control. Investigations are continuing. The First Respondent said she would request extra time to allow her to get better. The First Respondent said she had applied for social housing but had been told others were ahead of her on the list, as she has a good job and salary. The Applicant said he did not want to interfere with the Respondents' children's schooling, and it may be suitable to grant an order that could be executed in the school holidays. The First Respondent requested time to take advice. The Tribunal decided to continue the application to an evidential hearing on reasonableness, given the First Respondent's request for time to take advice and her health issues. The Tribunal urged the First Respondent to take advice as a matter of urgency.
9. Parties were informed of a hearing to take place by telephone conference on 21st September 2026 by letter dated 10th August 2026.
10. By email dated 26th August 2026, the First Respondent requested a postponement of the hearing due to work commitments. No evidence to support the postponement request was lodged. The Tribunal refused the postponement request.

11. By email dated 7th September 2026, the Applicant lodged written representations and productions, stating that there were now health and financial implications as a result of the delay in the process.
12. By emails dated 10th and 17th September 2026, the First Respondent lodged written representations and productions.

The Hearing

13. A hearing took place by telephone conference on 21st September 2026. All parties were in attendance.
14. The First Respondent confirmed that she was not opposing the order, but was seeking a delay to the enforcement of the order.
15. The Second Respondent confirmed that he no longer resides at the Property, and that he is supporting the First Respondent and their children. The Second Respondent gave some background to the situation.
16. The Applicant referred to delays in the process, and said he was comfortable for the Tribunal to make a decision as to any delay in enforcement of the order. The Applicant referred to his written representations and the ongoing effect the matter is having upon his health and finances. The Applicant said he wants closure.
17. The First Respondent explained her attempts to source social, mid-market and full-market rental properties. Applications have been made to housing associations. The First Respondent said she was awaiting updates. She has also applied to a shared ownership scheme. The First Respondent has been in touch with the local authority regarding homelessness. The First Respondent said she had been told that she would not qualify for local authority housing, given her income. The First Respondent said the local authority had not discussed what would happen if an order was granted, or whether she would be offered temporary accommodation. The First Respondent said her father would seek a buy to let mortgage as a last resort, if no other accommodation was available.
18. The First Respondent said her children are now 13 and 16. They attend school in Glasgow. The First Respondent referred to her health conditions and ongoing symptoms. The First Respondent said she is seeking a delay in enforcement of the order of up to six months, as it may take this length of time to secure alternative accommodation, particularly if she or her father have to seek a mortgage and a property.
19. The Applicant said he was totally comfortable with a delay in enforcement, however, there had been delays in getting to this point, and the Tribunal should take that into account.

20. The Second Respondent said he was sad that matters had got to this point and apologised for his role. The Second Respondent said he would try to support the First Respondent and the family as much as possible.

Findings in Fact and Law

21.

- (i) Parties entered into an assured tenancy in respect of the Property in or around 2105.
- (ii) Parties entered into a private residential tenancy in respect of the Property which commenced on 1st May 2024.
- (iii) Notice to leave has been served upon the Respondents.
- (iv) The Applicant intends to sell the Property.
- (v) The Applicant is entitled to sell the Property.
- (vi) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
- (vii) It is reasonable to grant an eviction order.

Reasons for Decision

22. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
23. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
24. The Applicant wishes to sell the Property to fund his retirement plans. It has been his long-term intention since purchasing the Property. The Applicant is suffering ill-health and financial difficulties as a result of delays in the application process.
25. The Tribunal took into account that the Respondents were not opposing the order, but seeking a delay to the enforcement of an order beyond the usual period of 30 days. The Tribunal took into account that the First Respondent is actively seeking social housing and other options. The Tribunal noted that the local authority must provide temporary accommodation for the family if an order is granted. The First Respondent is urged to take advice to ensure that she is

aware of the responsibilities and obligations of the local authority in respect to housing and homelessness.

26. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order to 29th January 2027 to allow the First Respondent and her family to obtain alternative housing.

Decision

27. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 29th January 2027.

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.

Ms H Forbes

Legal Member/Chair

21st September 2026
Date