



**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 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)**

**Chamber Ref: FTS/HPC/EV/24/3354**

**Re: Property at 50 Loch Laxford, East Kilbride, G74 2DL (“the Property”)**

**Parties:**

**Mr John Connelly, 42A Aytoun Road, Glasgow, G41 5HN (“the Applicant”)**

**Lorraine Anderson, 50 Loch Laxford, East Kilbride, G74 2DL (“the Respondent”)**

**Tribunal Members:**

**Nicola Weir (Legal Member) and Gordon Laurie (Ordinary Member)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.**

## **Background**

1. By application received on 23 July 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 3 to the 2016 Act (landlord intends to sell). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave/proof of service of same, the notification to the local authority in terms of Section 11 of the Homelessness (Scotland) Act 2003/proof of service of same and evidence in support of the eviction ground, namely correspondence from the selling agent confirming their instruction to act in the proposed sale of the Property.
2. Following initial procedure and submission of further documentation by the Applicant, a Legal Member of the Tribunal with delegated powers from the

Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations on 13 August 2024.

3. Notification of the application and details of the Case Management Discussion (“CMD”) fixed for 10 March 2025 was served on the Respondent by way of Sheriff Officer on 30 January 2025. In terms of said notification, the Respondent was invited to lodge written representations. No written representations were lodged by or on behalf of the Respondent prior to the CMD.

### **Case Management Discussion**

4. A Case Management Discussion (“CMD”) took place by telephone conference call on 10 March 2025 at 2pm, attended only by the Applicant’s letting agent, Ms Anne Kelly, Lettings Manager, of Property Store EK.
5. Following introductions and introductory remarks by the Legal Member, there was discussion regarding the fact that the Respondent had not submitted any written representations and was not in attendance at the CMD. Ms Kelly confirmed that she has been dealing with the Respondent throughout and they have always been on good terms. She has been a very good tenant. She is surprised that the Respondent is not in attendance today but is aware that the Respondent is not opposed to the eviction application. Her difficulty is that she has not yet been allocated a house by the local authority but has been told that she would have to wait until the Tribunal process had run its course and an eviction order granted. Ms Kelly said that the Respondent was annoyed and embarrassed about this situation, as she accepts the Applicant’s position and wished to move out into social housing when she was served notice, but was unable to do so. Ms Kelly confirmed that the Respondent has some health issues, including fibromyalgia, and understands that she will be given some priority because of this by the local authority. Ms Kelly confirmed that the Respondent lives alone, although has two assistance dogs, is 52 years old and does not work. Ms Kelly was asked if the Respondent had considered another private let or if they had thought of offering her another property from their letting portfolio. Ms Kelly stated that she understood the Respondent to specifically wish to obtain local authority accommodation, due to her health condition. She really wants a ground-floor property as that will be easier for her to manage and to have a property available to her on a long-term basis.
6. As to the Applicant’s circumstances, Ms Kelly confirmed that he had owned the Property for 38 years and that it is in his sole name. He is 70 years old and wishes to sell the Property to put his finances in order. He currently lives with his second wife in her property and they are looking to come together in relation to their finances and either acquire a joint property here, or alternatively, to move abroad. Ms Kelly confirmed that the Applicant does have one other let property but is proposing to transfer that into the names of his children, as part of their inheritance around the same time as selling this Property, again as part of putting his affairs in order. Ms Kelly confirmed that the Respondent had been made aware of the Applicant’s reason for wishing to sell the Property and accepted this.

7. Ms Kelly was asked about the Applicant's position in respect of the Tribunal perhaps extending the date of the eviction, if an eviction order were to be granted. Ms Kelly confirmed that she appreciates the Respondent's position and that she would need time to finish packing everything up and to progress matters with the local authority. Whilst this process has been ongoing for almost a year and the Applicant wishes to sell as soon as possible, she did not think that a slight extension of the eviction date would be a major problem for the Applicant.
8. The Tribunal Members adjourned briefly to consider the application in private and, on re-convening, confirmed that the Tribunal was in agreement that the application was in order and the ground for eviction met, and had decided that the eviction order sought would be granted, subject to a one-month extension being added to the usual eviction timeframe. Ms Kelly confirmed she would advise the Respondent of the position. Ms Kelly was thanked for her attendance and participation at the CMD.

### **Findings in Fact**

1. The Applicant is the owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 15 July 2020.
3. The Applicant intends to sell the Property and to market it for sale as soon as possible and within 3 months of obtaining vacant possession.
4. A Notice to Leave in proper form and giving the requisite period of notice was emailed to the Respondent on 25 April 2024, in accordance with the terms of the tenancy agreement.
5. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 22 July 2024.
6. The Tribunal Application was submitted on 23 July 2024.
7. The Respondent remains in possession.
8. The Applicant is 70 years old and his reason for wishing to sell is to put his financial affairs in order.
9. The Respondent is understood not to be contesting the application.
10. The Respondent has already made application for social housing.

## Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation lodged with the application and the oral information provided at the CMD on behalf of the Applicant.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice (84 days) had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act.
3. The Tribunal considered that the ground of eviction, that the landlord intends to sell (Ground 1 of Schedule 3 to the 2016 Act, as amended) was satisfied in that all elements of Ground 1 were met and that it was reasonable, having regard to the circumstances, to grant the eviction order sought. The Tribunal had noted that there was supporting documentation with the application from the Applicant's selling agent in respect of the proposed sale of the Property. The Applicant had provided information at the CMD which satisfied the Tribunal that there was a genuine intention to sell as soon as possible, due the Applicant's personal and financial circumstances and his wish to put his financial affairs in order. The Respondent did not lodge any representations or attend the CMD and the Tribunal assumed from this, and the communications she had had throughout the process with the Applicant's letting agent, that she did not wish to contest the eviction. The Tribunal noted that the Respondent was understood to wish to obtain long-term local authority accommodation, more suitable to her health conditions, and had already applied for local authority housing. The Tribunal noted that the Applicant's letting agent understood from discussions with the Respondent that she had been told by the local authority that her housing application would only further progress once an eviction order is granted. In all of the circumstances, the Tribunal considered it reasonable to grant the eviction order sought but subject to a one-month extension on the usual timeframe for eviction, given the Respondent's health condition and to allow some more time for her to obtain suitable alternative accommodation via the local authority. The earliest eviction date to be specified in the order would accordingly be 10 May 2025.
4. The Tribunal did not have any material before it to contradict the Applicant's position. The Tribunal accordingly determined that an order for eviction could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing in the circumstances.

## 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.

# Nicola Weir

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Legal Member/Chair

10 March 2025  
Date