

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/24/4339**

**Re: Property at 6 Blackthorn Road, Uddingston, G71 5NA (“the Property”)**

**Parties:**

**Elderheath Limited, Broom Lea Cottage, Heath Lane, Albury Heath, Guildford, Surrey, GU5 9DD (“the Applicant”)**

**Mr Stephen Minns, 6 Blackthorn Road, Uddingston, G71 5NA (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the provision that the order may not be enforced until 11 June 2025.**

**Background**

**[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.**

## **The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 11 April 2025. The Applicant was represented by their own Mr Derek Ivimy. The Respondent was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the Respondent. He confirmed that he was content to leave the Property and did not seek to oppose the order. Nevertheless, the Tribunal carefully considered the reasons behind the Application and the Respondent's own personal circumstances. The Applicant company is selling all its properties in Scotland with a view to leaving the sector entirely. The Respondent lives alone in the Property and has already taken advice from the local authority regarding alternate accommodation. Having heard from parties, the Tribunal made the following findings in fact.

## **Findings in Fact**

- 1. The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- 2. The Applicant now wishes to sell the Property and cease operating as a landlord in Scotland.*
- 3. The Applicant has competently served a notice to leave under ground 1 on the Respondent;*
- 4. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5. The Respondent is content to leave the Property but would benefit from an extra month to organise his departure. This is not opposed by the Applicant.*

## **Reasons for Decision**

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 11 June 2025.

## **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.

Andrew McLaughlin

Andrew McLaughlin

11 April 2025

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Legal Member/Chair

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Date