



**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 (Act)**

Chamber Ref: FTS/HPC/EV/24/3829

Re: Property at 45 Birrens Road, Motherwell, ML1 3NS (“the Property”)

Parties:

Ms Jamuna Vairavamoorthy, 74 Gillhurst Rd, Harbourne, Birmingham, West Midlands, B17 8PB (“the Applicant”)

Ms Katie Miller, 45 Birrens Road, Motherwell, ML1 3NS (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 20 August 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 6 March 2019;
3. Notice to Leave dated and served by email on 7 February 2024 and Sheriff Officer on 8 February 2024;
4. Section 11 Notice and email serving on local authority dated 16 August 2024;
5. Signed terms of engagement with solicitors and estate agents; and
6. Sheriff Officer Certificate of Service of CMD Notification dated 11 March 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 28 April 2025. The Applicant did not participate but was represented by her Solicitor, Ms Ramzan. The Respondent did not participate but her Social Worker, Ms Louise Campbell called in and represented her.

The Respondent's position

Ms Campbell informed the Tribunal that the Respondent did not oppose the eviction application and that she was supporting the Respondent, her partner and her two children aged 15 and 6 in sourcing alternative accommodation through the local authority.

The Applicant's position

The Applicant's position was that she was looking to return to Scotland and wished to sell the Property to realise some capital to facilitate the purchase of a Property.

The Applicant's Solicitor informed the Tribunal that there were rental arrears in the sum of £1070.95 and there had been issues with the tenancy. These issues had involved environmental health and complaints from neighbours.

The Applicant's Letting Agents had issues with regard to the Respondent's failure to engage and communicate regarding the Property.

Decision and Reasons

The Tribunal considered the documentary evidence and agreement between the Parties.

The Tribunal had regard to the terms of Ground 1:

Landlord intends to sell

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 so far as material the Tribunal made the following findings in fact:

1. Private Residential Tenancy Agreement (**PRTA**) commencing 6 March 2019;
2. Notice to Leave was dated and served by email on 7 February 2024 and Sheriff Officer on 8 February 2024;
3. Section 11 Notice was served by email on local authority dated 16 August 2024;
4. The Applicant had signed terms of engagement with solicitors and estate agents;
5. The Applicant is the owner of the Property and intends to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it;
6. The Respondent did not oppose the eviction order and was being assisted by her social worker in sourcing alternative accommodation through the local authority;
7. The Respondent was in rent arrears of £1070.95 as at the date of the CMD;
8. The Applicant had issues with the Respondent's tenancy which had involved complaints from neighbours and the involvement of environmental health.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Respondent did not oppose the application, was being assisted in her pursuit of alternative accommodation with the local authority. There were rent arrears and issues with the tenancy. The Tribunal determined that it would be reasonable to grant the order sought 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.

Alan Strain

Legal Member/Chair

28 April 2025

Date