



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

Chamber Ref: FTS/HPC/EV/24/3863

Property at 3 Spynie Place, Bishopbriggs, Glasgow, G64 1JA (“the Property”)

Parties:

Miss Lynsey McPherson, 29 Brora Road, Bishopbriggs, Glasgow, G64 1HY (“the Applicant”)

Miss Melissa Lewis, 3 Spynie Place, Bishopbriggs, Glasgow, G64 1JA (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

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

Background

- 1. The Applicant seeks an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A section 11 notice, tenancy agreement, Notice to leave and contract with the selling agent were submitted with the application.**
- 2. A copy of the application was served on the Respondent, and the parties were notified that a CMD would take place by telephone conference call on 30 April 2025 at 2pm. Prior to the CMD, the Respondent lodged written submissions which provided some information about her circumstances and also requested a postponement of the CMD. This was refused by the Tribunal.**
- 3. The CMD took place on 30 April 2025. The Applicant participated. The Respondent participated and was represented by Mr Heath of the CAB.**

Summary of Discussion

4. Mr Heath told the Tribunal that, although the Respondent's written submissions suggest that she is opposed to the order being granted, her position has now changed, and it is not opposed. This is because she has been in touch with the Local Authority who have confirmed that she will be provided with temporary and then permanent accommodation and that they are hopeful that this will be in the same area as the property. The Tribunal noted that the Respondent does not want to leave that area because it would be distressing for her son if he had to move school and her mum lives locally and provides her with support. Mr Heath also advised that he had discussed with the Respondent the possibility of asking for a delay in enforcement of the eviction order. However, the usual time period of 4 to 6 weeks has been discussed with the Council, and they have indicated that this can be accommodated. In response to a question from the Tribunal, Ms Lewis confirmed what Mr Heath had said.
5. Ms McPherson told the Tribunal that the property is her former home. She decided to let it out when she moved out because house prices were low at that time. She thought that her son might live there when he was older. However, following a relationship breakdown she has experienced financial difficulties. This has been exacerbated by developing long COVID. She cannot afford to keep the property. She is on half pay at the moment and has had to suspend the mortgage payments on her own home. She investigated selling the property with the tenant still in occupation, but the price offered was less than the sum required to pay off the mortgage.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenants of the property.
8. The Applicant wishes to sell the property as she cannot afford to keep it due to financial difficulties. She also has health issues as she suffers from long COVID which has affected her income and employment.
9. The Applicant served a Notice to leave on the Respondent on 27 May 2024.
10. The Respondent has not secured alternative accommodation but does not oppose the application as the Local Authority have confirmed that she will be provided with suitable alternative accommodation.
11. The Respondent resides at the property with her 10 year old son who has mental health problems.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 27 April 2024. The Notice was hand delivered to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property.
13. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
14. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
15. Ground 1 of schedule 3 (as amended) states, "(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."
16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that ground 1 is established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted that the Applicant provided valid reasons for selling the property. The Tribunal also noted that the Respondent has not managed to obtain alternative accommodation. She requires a property which will allow her to stay in the same area so that her son does not need to change school, and her mother can continue to provide her with support. However, the Respondent was quite clear at the CMD, that the application is not opposed. The Local Authority has assured her that suitable alternative accommodation will be provided. This factor outweighs the effect that the order is likely to have on the Respondent and her family. This lack of opposition, together with the Applicant's reasons for selling the property, lead the Tribunal to conclude that it would be reasonable to grant the order for eviction.
18. The Tribunal might have been minded to consider a delay in execution of the order, perhaps until the end of the school year. However, the Respondent stated that this is not required.
19. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons

outlined in paragraph 17, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

- 20.** The Tribunal determines that an eviction order should be granted against 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.

Josephine Bonnar

Josephine Bonnar, Legal Member

30 April 2025