

Housing and Property Chamber
First-tier Tribunal for Scotland



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

Chamber Ref: FTS/HPC/EV/24/5134

Property : 18 Union Road, Gretna DG16 5AH (“Property”)

Parties:

Crossways Garage (Gretna) Ltd, The Braig, Springfield DG16 5HS (“Applicant”)

Hann & Co, Solicitors, 1 Bridgend, High Street, Annan DG12 6AG (“Applicant’s Representative”)

Sara Louise Woodacre, 18 Union Road, Gretna DG16 5AH (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 9 May 2020; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 23 July 2024 ("Notice to Leave"); Royal Mail proof of delivery on 24 July 2024; Board Minutes of the Applicant noting intention to sell the Property; letter from Hunters dated 31 October 2024 confirming their instruction to sell the Property and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 6 November 2024. A Case Management Discussion ("CMD") was fixed for 28 May 2025. The Application was served on the Respondent by sheriff officer on 13 March 2025.

Case Management Discussion

A CMD took place before the Tribunal on 28 May 2025 by teleconference. Joseph Hann of the Applicant’s Representative was in attendance as was the Respondent.

The Respondent said that she does not oppose the application. The Respondent told the Tribunal that she lives in the Property with her 3 children aged 18, 10 and 6. She said that she and her youngest daughter are classed as disabled. She said she has been in touch with the council about alternative accommodation and they have said that they will provide alternative accommodation but cannot do so until an order for possession is granted. She said that she understands her application will be prioritised due to the disability classification.

Mr Hann told the Tribunal that the Applicant intends to dissolve the company after assets have been realised. He said that the owner, Mr Crosbie, was now working as a long distance lorry driver and finds the stress of running a company to be too much.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 9 May 2020.
2. A Notice to Leave was served on the Respondent by recorded delivery post on 24 July 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 18 October 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant holds title to the Property and is entitled to sell the Property.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was Board Minutes of the Applicant noting their intention to sell the Property and a letter from Hunters dated 31 October 2024 confirming their instruction to sell the Property. The Tribunal considered the evidence provided and determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness. In the circumstances, and in light of the Respondent's lack of opposition to the application being granted, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.



**Joan Devine
Legal Member**

Date : 28 May 2025