



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/24/5438

Re: Property at 78 Wallace Avenue, Paisley, PA5 9LW (“the Property”)

Parties:

Mrs Deborah Hughes, 4 Varna Road, Glasgow G14 9NE and Sharon Clark, 103 Corsebar Road, Paisley, PA2 9PY (“the Applicants”)

Lorna Daly, 78 Wallace Avenue, Paisley, PA5 9LW (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it could decide the application without a Hearing and that it was reasonable to issue an Eviction Order against the Respondent.

Background

1. By application dated 4 November 2024, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 1 December 2018 at a rent of £725 per month, a Notice to Leave dated 3 June 2024 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 2 September 2024, and a Market Appraisal with fee quote from Messrs Cochran Dickie, estate agents, Paisley. The Applicants stated that they needed to sell the Property due to rising mortgage interest rates, the rent cap and changes to landlords’ tax regime. They were reducing their entire portfolio due to market changes, as some properties were no longer financially viable.

3. On 12 April 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 3 May 2025. The Respondent did not make any written representations to the Tribunal.
4. On 9 July 2025, the Applicants advised the Tribunal that they had previously made applications for Eviction Orders for two other properties, but the cases had been withdrawn as the tenants had found alternative accommodation and had left. They had sold a number of previously tenanted properties in the last 24 months.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 17 July 2025. The Applicant, Mrs Hughes, and the Respondent were present.
6. Mrs Hughes told the Tribunal that the Applicants had decided that it was no longer financially viable for them to remain as landlords and that they were selling off their portfolio of properties. Miss Daly said that the condition of the Property was not great and that she had been trying to obtain alternative housing through the local authority but had been told that they would do nothing to help her unless an Eviction Order was granted against her. Accordingly, she did not oppose the application. She lives in the Property with her three children, aged 26, 24 and 20. She asked that the Tribunal consider extending her period of notice to allow more time for her to be rehoused. Mrs Hughes was content to agree to that request and a period of two months was accepted by both Parties.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

10. The Tribunal was satisfied from the evidence provided by the Applicants and the Market Appraisal, that the Applicants intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
11. The Tribunal accepted that the Applicants are looking to exit the residential rental market and that they have already sold a number of properties from their portfolio. It appeared that the Respondent required an Eviction Order in order to obtain help from the local authority with rehousing for her and her family. Accordingly, having considered carefully all the evidence before it and having regard to the interests of both Parties, the Tribunal decided that it would be reasonable to issue an Eviction Order, which would not be enforceable until 22 September 2025.
12. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

17 July 2025

Date