



**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/25/0727

Re: Property at 115 Hazeldean Crescent, Wishaw, ML2 8RB (“the Property”)

Parties:

**Yazoo Properties Limited, 2 Jones Wynd, Motherwell, Lanarkshire, ML1 5NJ
 (“the Applicant”)**

**Mr Marc Welsh, 115 Hazeldean Crescent, Wishaw, ML2 8RB (“the
Respondent”)**

Tribunal Members:

Jim Bauld (Legal Member) and Mary Lyden (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for the order for possession should
be granted**

Background

1. By application dated 19 February 2025 the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 20 March 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 23 June 2024 and appropriate intimation of that hearing was given to both the landlord and the tenants.

The Case Management Discussion

4. The Case management discussion took place on 23 June 2025. The applicants were represented by Mr Alastair Buttery of Whyte Fraser solicitors, Glasgow . He was accompanied by Mr John Calderwood, a director of the applicant. The respondent was in attendance personally.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the parties with regard to the application
7. The applicant's solicitor confirmed that he wished the order sought to be granted and the respondent confirmed that he was not opposed to the order being granted.

Findings in fact

8. The applicants and respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 25 December 2020.
9. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016. ("the Act")
10. The agreed rental was £480 per month.
11. On 20 November 2024 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice became effective on 15 February 2025.
12. The notice informed the respondent that the landlord wished to seek recovery of possession using the provisions of the Act.
13. The notice was correctly drafted and gave appropriate periods of notice as required by law.
14. The notice set out a ground contained within schedule 3 of the Act, namely ground 1 that the landlord intended to sell the let property

Reasons for the decision

15. The order for possession was sought by the landlord on a ground specified in the act and properly narrated in the notice served upon the tenant.

16. The tribunal was satisfied that the notice had been served in accordance with the terms of the act and that the landlord was entitled to seek recovery of possession based upon that ground.
17. The tribunal accepted the unchallenged evidence of the landlords that they intend to sell the property. The tribunal accepted the evidence that the tenant does not oppose the granting of the order. Mr Welsh provided details to the tribunal of his current health and family circumstances and his wish to obtain alternative accommodation which would be more suitable for him, his wife and their children.
18. The ground for eviction was accordingly established.
19. The ground for eviction under which this application was made is the ground contained in paragraph 1 of schedule 3 of the 2016 Act. The ground is that the landlord intends to sell the let property. When the 2016 Act was originally passed, that ground of eviction was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
20. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact
21. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
22. The tribunal finds that it is reasonable to grant the order.
23. The tribunal accepts that the landlords are entitled to sell the property and wish to do so. The tribunal accepts that the tenant is not opposed to the sale of the property. Mr Welsh indicated to the tribunal that the property is no longer suitable for his and his family's needs owing to a variety of matters including medical issues. He has sought assistance from the local council to obtain accommodation that is more suitable. He has been told that he will have appropriate medical and homelessness points to be allocated alternative accommodation. The council's homelessness prevention team have effectively advised the tenant that he will not obtain that assistance unless an eviction order is granted thus triggering specific statutory duties under the Housing (Scotland) Act 1987. The granting of the order will therefore ultimately (and almost counter intuitively) benefit the tenant in his attempts to obtain accommodation that is more suitable.
24. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made at the CMD

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.

Jim Bauld

23 June 2025

Legal Member/Chair

Date