



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/25/0101

Re: Property at 54 Hareleeshill Road, Larkhall, South Lanarkshire, ML9 2RB (“the Property”)

Parties:

NEWELL MARHSALL PROPERTY LTD, 24 Clydeview, Bothwell, Glasgow, Lanarkshire, G71 8NW (“the Applicant”)

Mrs Melanie Lindsay otherwise known as 'Lindsay', 54 Hareleeshill Road, Larkhall, South Lanarkshire, ML9 2RB (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- **Background**
 1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicant’s intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- **Case Management Discussion**
 2. A Case Management Discussion (“CMD”) took place on 20 June 2025 by conference call. The Applicant was represented by Mrs Siddique of MM Legal. The Respondent appeared personally and represented herself.

3. The Applicant's representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"). The Applicant intended to sell the Property and required vacant possession in order to do so. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 15 February 2019. The Respondent continued to reside within the Property. The Respondent had previously made an offer to purchase the property for £70,000, which was rejected by the Applicant. A later offer by the Respondent, in line with the Home Report value of £90,000, was also rejected.
4. Following an adjournment to enable the Applicant's representative to obtain further instructions, it was submitted that the Applicant had, in the time between the two offers made by the Respondent (which timescale was believed to be more than a year), agreed to accept an offer from a third party and intended to proceed on that basis. The property is owned by a limited company which has two directors, aged 68 and 69. They own only this Property and wish to sell same in order to retire. Their only income is their state pension and they require the sale proceeds to fund their retirement.
5. The Respondent submitted that she had made two offers of £70,000 and £90,000. She was notified that the first offer had been rejected, but did not hear anything regarding the second offer. This was the first she had been made aware of the rejection of her second offer and of the alternative offer made by a third party. She had understood that there had been verbal agreement from the outset of the tenancy that she would have first refusal to purchase the property should the Applicant choose to sell. She had funding in place to purchase the Property and had lived in the Property with her two sons (both now adults) for 22 years. The Property requires a lot of work to bring it up to standard. The Respondent submitted that she is a carer for her father-in-law who suffers from dementia, and that he lives nearby.
6. The following documents were lodged alongside the application:
 - (i) Copy Private Residential Tenancy Agreement
 - (ii) Copy Notice to Leave
 - (iii) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
 - (iv) Copy Home Report for the Property.

- Findings in Fact

7. The Tribunal made the following findings in fact:
 - (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 9 April 2018;
 - (ii) The Applicant is the heritable proprietor of the Property;
 - (iii) The Applicant is entitled to sell the Property;
 - (iv) The Applicant has served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;

(v) The Applicant has provided a Home Report for the Property.

- Reasons for Decision

8. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicant intends to sell the property and intends to do so within 3 months of the Respondent ceasing to occupy it. The Tribunal was satisfied that a Notice to Leave had been served on the Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act. The Tribunal noted that the Applicant required to sell the Property in order to utilise the sale proceeds for their retirement.

9. Whilst the Tribunal had some sympathy with the Respondent, who had lived in the Property for over twenty years, the Tribunal noted that it had no ability to direct to the Applicant who they should sell the Property to, and that was a matter entirely for the Applicant. It was noted that the Respondent had indicated that she had funds available to fund the purchase, and therefore it was considered that the Respondent accordingly had funds available to either purchase a property of similar value elsewhere, or to fund a deposit on a further private let. Accordingly, the Tribunal was satisfied under the circumstances that it was reasonable for the Order to be granted, but that enforcement of same should be delayed for a period of three months to enable the Respondent further time to source alternative accommodation.

- Decision

10. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Fiona Watson

Legal Member/Chair

Date: 20 June 2025