

**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/24/4977**

**Property : 46 Yarrow Crescent, Wishaw, North Lanarkshire ML2 7JX  
("Property")**

**Parties:**

**Fiona Dobie, 18 Mauricewood Rise, Penicuik, Midlothian EH2 0BL and Lesley  
Helen Sutherland, 8 Lindsay Row, Rosewell EH24 9EJ ("Applicant")**

**Jason Lawson, 46 Yarrow Crescent, Wishaw, North Lanarkshire ML2 7JX  
("Respondent")**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Elizabeth Williams (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 28 May 2018; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 2 August 2024 ("Notice to Leave") with covering email dated 2 August 2024; statement from the Applicant regarding the sale of the Property dated 28 October 2024; invoice from Mov8 Estate Agent dated 31 May 2024 regarding a home report for the Property; email from Mov8 dated 11 June 2024 regarding an offer to purchase the Property; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003. A Case Management Discussion ("CMD") was fixed for 9 July 2025. The Application was served on the Respondent by sheriff officer on 15 April 2025.

## **Case Management Discussion**

A CMD took place before the Tribunal on 9 July 2025 by teleconference. The Applicant and the Respondent were both in attendance.

Mr Lawson told the Tribunal that he did not object to the application. He said that the Council had offered him permanent alternative accommodation although it would not be available until necessary repairs had been carried out. He said he did not know the nature of the repairs or how long they would take. He said that he currently lives with his 15 year old son and his son's grandmother but would move into the new property only with his son.

Ms Dobie said that her husband was about to retire at age 57 due to ill health. She said the Property needed to be sold to allow them to access disposable income. She said a home report had been prepared and offer had been received for the Property but the Property had to be withdrawn from the market.

Ms Sutherland said that she and Ms Dobie had owned the Property for around 17 years and she too wished to sell as she was looking at options for the future. She said that she also had health issues. Ms Dobie said that the fixed rate mortgage is coming to an end in a month and it would go up by £150 making the mortgage exceed the rental income.

## **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 28 May 2018.
2. A Notice to Leave was served on the Respondent by email on 2 August 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 28 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 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 a statement from the Applicant regarding the sale of the Property dated 28 October 2024; an invoice from Mov8 Estate Agent dated 31 May 2024 regarding a home report for the Property and an email from Mov8 dated 11 June 2024 regarding an offer to purchase the Property

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from the Applicant and the Respondent. In all the circumstances, and in the absence of opposition by the Respondent, 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

**Joan Devine  
Legal Member**

**Date : 9 July 2025**