

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)

Chamber Ref: FTS/HPC/EV/25/0419

Re: Property at 59 Farm Road, Hamilton, ML3 9LB (“the Property”)

Parties:

Amexx UK Properties Ltd, 78-80 Farm Road, Hamilton, ML3 9LD (“the Applicant”)

Ms Jo Ann Murray, Mr Thomas Brogan, 59 Farm Road, Hamilton, ML3 9LB (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 31 January 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 21 April 2022;
3. Notice to Leave dated 9 October 2024 and served by Sheriff Officer on the same date;
4. Section 11 Notice and email serving on local authority dated 31 January 2025;
5. Terms of engagement with estate agents dated 14 January 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 6 August 2025. The Applicant did not participate but was represented by its solicitor Mr John Gildea. The First Respondent participated and represented both Respondents.

The Respondent's position

The Respondent did not seek to oppose the order for recovery of possession.

The Respondent lives in the 3 bedroom Property along with her Partner (Second Respondent) and their 3 children aged 21, 19 and 18.

The Respondent has been in touch with the local authority and is waiting for housing from them.

The Applicant's position

The Applicant is a limited company with a portfolio of 6 rental properties. The Applicant is in the process of selling the properties and reducing exposure to its lenders.

Decision and Reasons

The Tribunal considered the documentary evidence and agreement between the Parties.

The Tribunal had regard to the terms of Ground 1:

Landlord intends to sell

1(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property,

(b) 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

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

In so far as material the Tribunal made the following findings in fact:

1. The parties let the Property under a Private Residential Tenancy Agreement (**PRTA**) commencing 21 April 2022;
2. Notice to Leave was dated 9 October 2024 and served by Sheriff Officer on the same date;
3. Section 11 Notice was served by email on the local authority on 31 January 2025;
4. The Applicant is a limited company with a portfolio of 6 rental properties. The Applicant is in the process of selling the properties and reducing exposure to its lenders;
5. The Applicant is the owner of the Property and intends to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it;
6. The Applicant has engaged estate agents to sell the Property;
7. The Respondent does not oppose the order being granted;
8. The Respondent is in contact with the local authority housing department regarding rehousing;
9. The Respondent live in the Property with their 3 children aged 21, 19 and 18.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

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.

Alan Strain

6 August 2025

Legal Member/Chair

Date