



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 and Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/25/0671

Re: Property at 28 Ayton Park North, East Kilbride, Glasgow, G74 3AX (the Property)

Parties:

Mr James Martin, 3 Bourne Crescent, Inchinnan, Renfrewshire, PA4 9PP and Mr Neil Martin, Woodland View, New Road, Cookham, Berkshire, SL6 9HB (the Applicants)

T C Young, Solicitors, 7 West George Street, Glasgow, G2 1BA (the Applicants' Representative)

Ms Ines Mazzoncini and Mr Giapaolo McGrath 28 Ayton Park North, East Kilbride, Glasgow, G74 3AX (the Respondents)

Tribunal Members:

Ms Susanne L. M. Tanner K.C. (Legal Member)

Mr Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal):

- (i) was satisfied that Ground 1 in Schedule 3, Part 1 to the 2016 Act was established by the Applicants, in that on the day the tribunal considered the application for an eviction on its merits: the Applicants as registered proprietors intend to sell the let Property for market value, or at least put it up for sale within three months of the Respondents ceasing to occupy it; and that it was reasonable to make an eviction order in the circumstances; and**

- (ii) made an order for eviction in terms of Section 51 of the 2016 Act, with deferral of the date of enforcement to 2 October 2025.

The decision of the tribunal was unanimous.

Statement of Reasons

Procedural Background

1. The Applicants' Representative made an application to the tribunal on 13 February 2025 in terms of Section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the 2016 Act) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules). The Applicant seeks the Respondent's eviction from the Property under Ground 1 of Schedule 3.
2. The Applicants' Representative provided the following documents with the Application:
 - 2.1. Paper apart;
 - 2.2. Private Residential Tenancy agreement;
 - 2.3. Copy Notice to Leave dated 18 October 2024 and proof of delivery;
 - 2.4. Copy section 11 Notice to the Local Authority with confirmation of delivery by email; and
 - 2.5. Letter of engagement from Walker Laird relating to sale of Property.
3. On 18 February 2025, the tribunal's administration obtained a copy of the Title Sheet for the Property which shows that the Applicants are the joint registered proprietors since 7 December 1992 and 17 November 2016, respectively.
4. The tribunal's administration obtained a copy of the registered landlord details for the Property which shows that the Applicants are registered landlords and Your-move.co.uk Limited is the registered agent.
5. The Application was accepted for determination. The tribunal sent letters of notification dated 27 May 2025 to both parties with the date, time and arrangements for joining the Case Management Discussion ("CMD") teleconference in relation to the Application on 22 July 2025 at 1000h. The Application paperwork was personally served on the Respondents by Sheriff Officers on 28 May 2025. The Respondents were told that if they wished to submit written representations these should be sent to the tribunal by 17 June 2025.

6. On 25 June 2025, the First Respondent, Ms Mazzoncini, submitted a postponement request in respect of the CMD with late written representations. The Applicants opposed the postponement request. The tribunal considered the request and opposition and decided not to postpone the CMD and provided reasons to parties.
7. The Second Respondent, Mr McGrath did not submit any written representations.

CMD: 22 July 2025, 1000h, Teleconference

8. The Applicants' Representative, Ms Callaghan, solicitor, joined the CMD.
9. The First Respondent, Ms Mazzocini, attended the CMD on her own behalf and as representative for the Second Respondent, Mr McGrath, her son.

Submissions by First Respondent

10. Ms Mazzocini stated that she did not oppose the eviction application but requested an additional four to six weeks for her and her adult son to move out of the Property beyond the usual 30 day period for enforcement. She referred to the written representations submitted prior to the CMD and further outlined her personal circumstances.
11. She stated that her last day of employment with her current employer is 31 July 2025. She has secured a new job starting on 11 August 2025. She is still looking for a property to buy or rent. She has expressed on several occasions via the letting agency that she would be interested in buying the Property. She stated that the landlord has said that they will consider an offer but that it is difficult for her to submit an offer as there is no Home Report. The landlord has stated that they are unwilling to carry out a Home Report until the Property is vacant.
12. She stated that she is reluctant to ask for time off her new employment within 30 days to vacate the premises.
13. She stated that she contacted Shelter, Citizens Advice, and that she has a housing officer. She stated that she received a call from Link Housing this morning shortly before the CMD. They are requesting some additional information via the letting agency. Link Housing have requested a copy of the Notice to Leave. Once they get that information they will award a level of status. They will give priority if there is an order for eviction. That would be temporary accommodation. Then it would

require a further move. The Local Authority has not given an indication of timescales for temporary accommodation.

14. She stated that she does not feel that 30 days would be enough time to find another property. She has been and continues to view rental properties in the private sector and other properties for sale. The current letting agency have advised her that there is a possible property that may become available but that may be 6 weeks away. She stated that she does not want to be homeless, or have to move into temporary accommodation and then have another move.
15. She stated that the stress is taking its toll on her. She stated that the other Respondent is her son who is a 28 year old adult. The two of them live in the Property. It is a three bedroomed property. He is in employment. He is moving with her to another property.

Submissions by Applicants' Representative

16. Ms Callaghan stated that she had not been made aware by her clients of the possibility of an offer being made by the Respondent to purchase the Property. She understands that there has not been a Home Report yet. The Applicants have instructed Walker Laird Solicitors and Estate Agents in respect of the marketing and sale of the Property, as per the letter lodged.
17. Ms Callaghan stated that she took instructions on the information that was provided to the tribunal. She initially stated that she was instructed to oppose any extension to the usual period of enforcement. She offered to obtain their updated instructions on the basis of the information provided by the Respondent in order to avoid any need for a hearing.
18. The tribunal allowed an adjournment, following which Ms Callaghan confirmed that she had taken instructions from her clients. She confirmed that the Applicants would be agreeable to a delay of enforcement of approximately four to six weeks.

19. The tribunal makes the following findings-in-fact:

- 19.1. The Applicants are the registered proprietors of the Property.
- 19.2. The Applicants wish to sell the Property with vacant possession and realise the proceeds.
- 19.3. There is a private residential tenancy agreement between the Applicants and the Respondents for the Property which began on 5 May 2021.

- 19.4. On 18 October 2024, a Notice to Leave containing ground 1 of Schedule 3 to the 2016 Act was served on the Respondents.
- 19.5. The Applicants have given the Respondents at least 84 days' notice that they require possession.
- 19.6. The Application to the tribunal was made on 17 February 2024.
- 19.7. The Applicants have instructed a sales agent in respect of sale of the Property once vacant possession is obtained.
- 19.8. The Applicants intend to sell the Property on the open market or at least market it for sale within three months of vacant possession.
- 19.9. The First Respondent has recently been made redundant, effective from 31 July 2025.
- 19.10. The First Respondent will start her new employment on 11 August 2025.
- 19.11. The Respondents have taken steps to find another property, with the local authority, in the private rented sector and via a housing association.
- 19.12. The second Respondent is the son of the first Respondent and is in employment.
- 19.13. There are no children under 16 residing in the Property.

20. Findings in fact and law

- 20.1. The tribunal is satisfied that the facts required in paragraph 1 of Schedule 3 to the 2016 Act have been established.
- 20.2. The tribunal is satisfied that it is reasonable to make an order for eviction.

Discussion

21. The order for eviction is sought in terms of Section 51 and paragraph 1 of Schedule 3 to the 2016 Act. The tribunal was satisfied that the requirements of those

provisions have been met. The tribunal is satisfied that the Applicants intend to sell the Property or at least put it up for sale within three months of an eviction order.

22. The Respondents do not oppose the eviction order but have requested an additional period of four to six weeks in addition to the 30 day period for enforcement. The Applicants do not oppose the additional period sought.

23. In relation to reasonableness, reference is made to the tribunal's findings in fact. The tribunal was satisfied that it was reasonable to evict the Respondent in the circumstances of the case and to extend the date for enforcement to 2 October 2025.

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.

22 July 2025

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**