

# **Housing and Property Chamber**

## **First-tier Tribunal for Scotland**

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**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/25/1671**

**Re: Property at 37 Bathgate Road, Blackburn, West Lothian, EH47 7LF (“the Property”)**

**Parties:**

**Mrs Caroline Bennett and Mr Craig Bennett, 7 Deanburn Gardens, Seafield, West Lothian, EH47 7GB (“the Applicants”) and**

**Miss Rebecca Gilfillan, 37 Bathgate Road, Blackburn, West Lothian, EH47 7LF (“the Respondent”)**

**Tribunal Members:**

**G McWilliams- Legal Member  
E Williams - Ordinary Member**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:**

**Background**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicants, Mr and Mrs Bennet, had provided the Tribunal, in their Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to West Lothian Council. All of these documents and forms had been correctly and

validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Miss Gilfillan, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 4<sup>th</sup> July 2025, and the Sheriff Officers' Certificate of Intimation was produced.

### **Case Management Discussion on 15<sup>th</sup> August 2025**

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 15<sup>th</sup> August 2025. Mr and Mrs Bennett and the Miss Gilfillan attended. Mrs Bennett stated that she would make submissions on behalf of both herself and her husband at the CMD. She referred to the Application papers and stated that she and her husband wish to sell the Property for financial reasons. Mrs Bennett stated that she and her husband no longer wish to be landlords. She said that they do not rent any other properties. Mrs Bennett stated that she and Mr Bennett have a very good relationship with Miss Gilfillan and they are aware that Miss Gilfillan has now packed up and is ready to move to another tenancy which she hopes to obtain from West Lothian Council.
5. Miss Gilfillan stated that she has been liaising with West Lothian Council's Housing Office. She said that she had spoken with her Housing Officer this morning and has an appointment this afternoon. She stated that the Housing Office are waiting on her confirming that an eviction order has been granted so that they can give her application for social housing priority. Miss Gilfillan agreed that she had a very good relationship with Mr and Mrs Bennett and stated that she consented to the grant of the eviction order, without any deferred enforcement date being put in place, as she is now ready to move, with her two children, aged 5 and 3. She said that she aims to re-settle her children in a new home as soon as possible. Miss Gilfillan said that it was best for herself and Mr and Mrs Bennett that an eviction order be granted now.

### **Statement of Reasons**

6. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
7. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
8. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers. The Tribunal also considered the statements and submissions made by Mrs Bennett and Miss Gilfillan at the CMD. Having done so the Tribunal found in fact that Mr and Mrs Bennett seek recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the

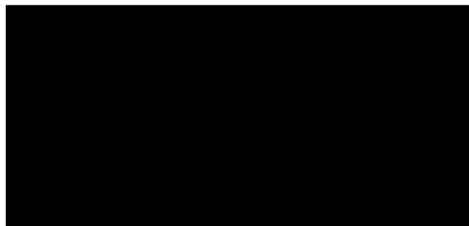
2016 Act is satisfied. Given that Mr and Mrs Bennett and Miss Gilfillan seek the grant of an eviction order as soon as possible the Tribunal also found that it is reasonable to make such an order.

### **Decision**

9. The Tribunal therefore makes an eviction order as sought in this Application.

### **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.**



**Tribunal Legal Member**

**15<sup>th</sup> August 2025**

**Date**