

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/0208

Re: Property at 16C Milton Street, Airdrie, ML6 6JL (“the Property”)

Parties:

Ms Catherine Wallace, Mr James (Jim) Wallace, 37 Clenoch Parks Road, Stranraer, Dumfries and Galloway, DG9 7QT (“the Applicant”)

Mr Gary Anderson, Ms Michelle Delaney, 16C Milton Street, Airdrie, ML6 6JL (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Gerard Darroch (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 20 January 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 5 October 2021;
3. Notice to Leave dated 25 September 2024 and served by email on the same date;
4. Section 11 Notice and email serving on local authority dated 30 January 2025;
5. Terms of engagement with estate agents dated 24 September 2024;
6. Sheriff Officer Certificate of Service of CMD Notification dated 6 August 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 16 September 2025. The Applicants did not participate but were represented by their letting agent, Mr Martin Urquhart. The Respondents participated and represented themselves.

The Respondents' position

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

The Respondents have been in touch with the local authority and are waiting for housing from them. They have been informed they are at the top of the list and an order of the Tribunal will give them further priority.

The Applicants' position

The Applicants position is that they wish to sell the Property. There are rental arrears currently which were agreed between the Parties and in respect of which the Respondents explained they intended to settle shortly.

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 5 October 2021;
2. Notice to Leave was dated 25 September 2024 and served by email on the same date;
3. Section 11 Notice was served by email on the local authority on 30 January 2025;
4. The Applicants are the owners of the Property and intend to sell it or at least put it up for sale within 3 months of the Respondents ceasing to occupy it;
5. The Applicant has engaged estate agents to sell the Property;
6. The Respondents do not oppose the order being granted;
7. The Respondents are in contact with the local authority housing department regarding rehousing.

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

16 September 2025

Legal Member/Chair

Date