

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 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/0495

Re: Property at 8 Barlosh Court, Ochiltree, KA18 2QS (“the Property”)

Parties:

Mr Ben Jackson and Miss Chelsea Jackson, Flat 6, 58 Brunswick Road, Hove, BN3 1DH (“the Applicants”) and

RentLocally, 42-46 Cadzow Street, Hamilton, ML3 6DS (“the Applicants’ Representative”) and

Mrs Mary Taylor-Whyte, 8 Barlosh Court, Ochiltree, KA18 2QS (“the Respondent”)

Tribunal Members:

G McWilliams (Legal Member)

A Lamont (Ordinary Member)

Decision

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

Background/Case Management Discussion on 8th July 2025

1. A Case Management Discussion (“CMD”) had proceeded remotely by telephone conference call on 8th July 2025. Reference is made to the Notes on that CMD.

Case Management Discussion on 18th August 2025

2. A further CMD proceeded remotely by telephone conference call at 2.00pm on 18th August 2025. The Applicants' Representative's Ms L Foote and the Respondent Mrs Taylor-Whyte attended.
3. Ms Foote stated that the property which Mrs Taylor-Whyte had viewed following the last CMD was not suitable. She asked that the order for possession be granted.
4. Mrs Taylor-Whyte also said that the property that she had viewed on 8th July was not suitable for herself and her adult son. She said that she is considering two other properties for rent at the moment. Mrs Taylor-Whyte stated that she and her son are going to move out of the Property by 30th September 2025 at the latest, either to one of the two new properties which they are considering or into accommodation arranged for them by family members. Mrs Taylor-Whyte said that she was agreeable to an eviction order being granted with a deferred enforcement date which will allow her and her son to vacate the Property by 30th September 2025. She said that she considered it to be in the best interests of all parties for an order to be made as this would bring closure for all.
5. Ms Foote further stated that Mr Jackson and Miss Jackson would be agreeable to the grant of an eviction order with a deferred enforcement date as proposed by Mrs Taylor-Whyte.

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, in particular, considered the statements and submissions made by Ms Foote and Mrs Taylor-Whyte. Having done so, the Tribunal found in fact that the Applicants 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 the Applicants and Mrs Taylor-Whyte agreed that the grant of an eviction order, with a deferred enforcement date, would be appropriate, the Tribunal also found that it is reasonable to make such an order. In this regard the Tribunal further found that it is reasonable that there is a deferred enforcement date of 13th October 2025. The Tribunal considered it fair and just

to have such a deferred enforcement date as the intervening period will allow sufficient time for Mrs Taylor-Whyte and her adult son to move out of the Property as planned.

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.

Gerald McWilliams

Tribunal Legal Member

Date 18 August 2025