



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

Reference number: FTS/HPC/EV/25/0092

Order granted on 22 August 2025

Property: 14 Broom Place, Bridge of Weir, PA11 3LR

Parties:

Mrs Ann Maria Degnan, residing at 17 Woodburn Place, Houston, PA6 7NA
("the Applicant")

Mrs Kirsty Addison-Lyle, residing at 14 Broom Place, Bridge of Weir, PA11 3LR ("the Respondent")

Tribunal Members:

Paul Doyle (Legal Member)
Melanie Booth (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") makes an order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 3 of schedule 3 to the 2016 Act.

Background

The Applicant sought recovery of possession of the Property in terms of Section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 (the "2016 Act"). The Applicant has lodged Form E with the Tribunal. The documents produced include a Tenancy Agreement, a Notice to leave, served on 15 October 2024, together with a notice under s.11 of the Homelessness (Scotland) Act 2003.

Case Management Discussion

A case management discussion took place by telephone conference at 2.00pm on 22 August 2025. The Applicant was represented by Mr B Lind of Lind Letting Ltd. The Respondent was present but unrepresented. The respondent told us that she understood why the application is made, and that she has made applications for alternative housing without success. The Respondent told us she does not oppose the application but there are practical difficulties in finding alternative accommodation.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a private residential tenancy Agreement for the Property dated 28 May 2021.
2. The rent in terms of the Tenancy Agreement was £700 per month.
3. On 15 October 2024 the Applicant served a Notice to Leave on the Respondent. The Applicant wants to sell the Property.
4. On 11 December 2024, the Applicant instructed a pre-sale valuation of the property. The Respondent expressed an interest in buying the property, but a price could not be agreed. Since the start of 2025 the Applicant has wanted to market the property for sale.
5. The applicant is entitled to sell the property. The applicant intends to sell the property for market value and will advertise the property for sale on the open market within three months.
6. On 10 January 2025, the Applicant submitted their application to the tribunal.
7. The Respondent does not oppose the application. She has already made an application to the local authority for alternative housing. The local authority will not prioritise her application for housing until an order for eviction is granted. The local authority will give the respondent's application for housing priority when an eviction order is made.
8. The Respondent remains in the property but has been trying to find affordable alternative accommodation. The respondent has three school age children. Her oldest daughter has autism. Her youngest children live with ADHD. All three children attend mainstream schooling.
9. The Respondent does not resist the application for repossession. It is reasonable to grant an order for repossession of the property. It will assist the Respondent if

enforcement of an order for repossession is delayed, so we delay enforcement for 90 days.

Reasons for the Decision

10. The Applicant seeks recovery of possession of the Property in terms of Ground 1 of part 1 of schedule 3 to the 2016 Act. On the facts as we find them to be, the Applicant

(a) is entitled to sell the let property,

(b) intends to sell the Property for market value 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.

11. The weight of reliable evidence indicates that it is reasonable to grant an order for repossession of the Property.

12. The Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016. The basis for possession set out in Ground 1 of part 1 of schedule 3 to the 2016 Act is established. The Respondent offers no defence to the application.

13. The Respondent and her children need a little extra time to make alternative arrangements, so we delay enforcement of the order for 90 days. For these reasons, the Tribunal determined to grant an Order for possession.

Decision

For the foregoing reasons, the Tribunal determined to make an Order for possession of the Property in terms of section 51(1) of the Private Housing (Tenancies)(Scotland) Act 2016 under Ground 1 of part 1 of schedule 3 to the 2016 Act.

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.

Where such an appeal is made, the effect of the decision and of any order is suspended until the appeal is abandoned or finally determined by the Upper Tribunal, and where the appeal is abandoned or finally determined by upholding

the decision, the decision and any order will be treated as having effect from the day on which the appeal is abandoned or so determined.



22 August 2025