

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)**

Chamber Ref: FTS/HPC/EV/25/0707

Re: Property at 38 Ivanhoe, East Kilbride, G74 3NZ (“the Property”)

Parties:

Mr Stephen Russell, Mrs Catherine Russell, 45 Reay Avenue, East Kilbride, G74 1QT (“the Applicant”)

Mrs Shona Frearson, 38 Ivanhoe, East Kilbride, G74 3NZ (“the Respondent”)

Tribunal Members:

Virgil Crawford (legal Member) and Elaine Munroe (Ordinary Member)

Decision

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

BACKGROUND

1. By Lease dated 28 November 2019 the Applicants let the Property to the Respondent.
2. A notice to leave was served upon the Respondent. The notice to leave intimated that the Applicants wished vacant possession as they wished to sell the Property.
3. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the Local Authority.
4. An Application was subsequently submitted to the Tribunal seeking an order for eviction.
5. Evidence of the intention to sell was provided.

6. The Respondent lodged written submissions. The written submissions made reference to various defects within the Property and issues in relation to repairs during the tenancy. Those issues, however, were not relevant to the basis upon which the application to the Tribunal was presented and were not relied upon by the Respondent in opposition to the application.
7. The written submissions intimated that the following:-
 - The Respondent had taken advice from the Local Authority who had advised her to remain within the Property at present.
 - The Property is a three bedroom property. She now requires a four bedroom property.
 - She is unable to secure a suitable four bedroom property in the private rental market.

THE CASE MANAGEMENT DISCUSSION

8. A Case Management Discussion was held by teleconference on 22 September 2025. All Parties participated personally.
9. The Applicants confirmed to the Tribunal they were seeking an order for eviction as it was their intention to sell the Property. Evidence of the intention to sell had been provided to the Tribunal.
10. The Respondent advised the Tribunal that the Application was not opposed by her. She requires a larger home. The Property is currently occupied by herself, her 22 year old son, her 13 year old daughter and her 11 year old daughter. Her son currently sleeps within the living room of the Property.
11. While both she and her 11 year old daughter have certain medical issues, the Respondent was not relying upon these in opposition to the Application. As stated, the Respondent requires a larger home but cannot obtain one from the Local Authority until an eviction order is granted. The Respondent, indeed, advised the Tribunal that she is “desperate to find another property”.
12. In the circumstances, having regard to:-
 - the basis upon which the Application was presented together with the supporting documentation confirming the intention to sell,
 - the absence of opposition by the Respondent,
 - a desire for an eviction order to be granted to enable Local Authority housing to be provided to the Respondent,the Tribunal granted the Application.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 31st 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.

Virgil Crawford

Legal Member/Chair

22nd September 2025

Date