

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/25/1768

Property : 11 Park View Court, Camelon, Falkirk FK1 4DY (“Property”)

Parties:

D&JP Properties Ltd, The Dairy, Myrehead Farm, Linlithgow EH49 6LQ (“Applicant”)

Belvoir Lettings, 38 Vicar Street, Falkirk FK1 1JB (“Applicant’s Representative”)

Michelle Elliot, 11 Park View Court, Camelon, Falkirk FK1 4DY (“Respondent”)

Tribunal Members:

Joan Devine(Legal Member)

Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property but to delay enforcement until 30 March 2026

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 2 July 2020; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 24 January 2025 ("Notice to Leave") with covering email dated 24 January 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and letter from Belvoir Lettings dated April 2025 confirming their instruction to sell the Property. A Case Management Discussion (“CMD”) was fixed for 13 November 2025. The Application was served on the Respondent by sheriff officer on 9 October 2025. On 24 October 2025 the Respondent lodged a written representation.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 13 November 2025 by teleconference. The Applicant was represented by Angela O’Rourke of the Applicant’s Representative. The Respondent was in attendance and was supported by Stewart Love of the Homeless Prevention Team at Falkirk Council.

The Tribunal noted the terms of the written representation lodged by Ms Elliot in which she fully explained her circumstances and indicated that she required more time to obtain alternative accommodation.

Ms O’Rourke confirmed that the representation had been passed to the Applicant. She said that the Applicant wishes to sell due to increased mortgage costs. She said that the individual behind the Applicant company is a lady in her 60s who is retired. She said that the Property is no longer generating any income and the mortgage on the Property requires to be repaid in April 2027. She said the Applicant had owned one other rental property which has been sold.

The Tribunal asked about Ms Elliot’s housing application. Mr Love said that when a notice to leave is issued a tenant is given priority “2” which is the second highest but the tenant will still have to wait over a year to be rehoused. He noted that the notice to leave in this case was served in January 2025. He said that properties are advertised to three categories being “starter”, “seeker” and “mover”. He said that Ms Elliot is a “starter”. Ms Elliot said that she has widened the area in which she is looking for housing. Mr Love said that Ms Elliot’s bidding history is very good. Ms Elliot said that she is now around 12th on bidding list whereas a few months ago she was in the 20s. Mr Love said that if Ms Elliot was evicted she would move into the “seeker” category and may have to spend a year in homeless accommodation. Ms Elliot explained that the longer she remains in the current band that she is in, the higher will be her priority. For that reason she sought an extension of any enforcement date. She said she fully respected the Applicant’s entitlement to sell the Property. She said that she was very close to obtaining social housing and just needed more time to achieve that.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into the Tenancy Agreement with the Respondent for the Property which commenced on 2 July 2020.
2. A Notice to Leave was served on the Respondent by email on 24 January 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 21 April 2025.

3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a letter from Belvoir Lettings dated April 2025 confirming their instruction to sell the Property.

The Tribunal considered the question of reasonableness. The Respondent did not oppose the grant of an eviction order but asked for a delay in enforcement to allow her to obtain alternative accommodation. The Respondent had lodged a very helpful written representation which fully explained her personal circumstances and the efforts made by her to be rehoused. In all the circumstances, the Tribunal determined that it was reasonable to grant an order for possession of the Property but to delay enforcement until 30 March 2026.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement until 30 March 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.

**Joan Devine
Legal Member**

Date : 13 November 2025