



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/1295

Re: Property at 6 Burns Place, Stevenston, KA20 4HE (“the Property”)

Parties:

Mr Henry Andrew Hall, Mrs Sandra Hall, 60 Gladstone Road, Saltcoats, KA21 5LF (“the Applicants”)

Ms Kay Nolan, 6 Burns Place, Stevenston, KA20 4HE (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs H Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application whereby the Applicants are seeking an eviction order under ground 1 of Schedule 3 to the Act. The Applicants initially raised the application against joint tenants. The Applicants lodged a private residential tenancy agreement commencing on 17th May 2018, section 11 notice with evidence of service, notice to leave with evidence of service, evidence from the Respondent that her ex-husband left the Property in 2020, and evidence of intention to sell the Property.
2. The Application and notification of a Case Management Discussion were served on the Respondent by Sheriff Officer on 26th September 2025.

Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 6th November 2025. The Applicant, Mr Hall was in attendance and representing Mrs Hall. The Respondent was not in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied in respect of the Respondent. The Tribunal considered it was appropriate to proceed with the application in the absence of the Respondent.
5. As a preliminary point the Tribunal raised the issue of whether the joint tenancy had been formally ended and whether it was appropriate to include the Respondent's ex-husband as a party to the application when the notice to leave had not been served upon him, nor had the application and notification of the CMD been served upon him. The Applicant said he had assumed that because no new tenancy agreement had been put in place, he had to include the joint tenant as a party. The Tribunal adjourned to allow the Applicant to produce evidence that the joint tenancy had been terminated, which evidence was produced.
6. The Tribunal adjourned to consider the evidence. The Tribunal was satisfied that the joint tenancy had been terminated in or around August 2020.
7. The Applicant explained that the Property was originally his family home. On becoming owner, he had let the Property to a family member and then to the Respondent and her ex-husband. The Applicants had made the Respondent aware that they would wish to sell the Property some time ago, as retirement approached. The Applicants no longer wish to be landlords and wish to sell the Property to fund their retirement.
8. The Applicant said the Respondent asked him around two years ago to serve her with an eviction notice to assist her in securing social housing, as she wished to move from the area. There has been regular text message contact between the parties. The Applicant said the Respondent has continued to express her wish to have an eviction order so she can access social housing in another area. This view was expressed as recently as around four weeks ago. The Applicant said the Respondent had asked him if she was required to attend the CMD, and he had informed her that was a decision for her to make. The Applicant said the Respondent has two children of around 5 and 10 years old.

Findings in Fact and Law

9.
 - (i) The Respondent and her ex-husband entered into a private residential tenancy with the Applicants in respect of the Property, which tenancy commenced on 17th May 2018.
 - (ii) In or around August 2020, the joint tenancy ended and the Respondent took up the tenancy as a sole tenant.
 - (iii) Notice to leave has been served upon the Respondent.

- (iv) The Applicants intend to sell the Property.
- (v) The Applicants are entitled to sell the Property.
- (vi) The Applicants intend to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vii) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicants no longer wish to be landlords. They wish to sell the Property to fund their retirement.
13. The Respondent has consistently told the Applicant she is actively seeking social housing and wishes to move from the area. The Tribunal took into account that there are children in the Property who may be affected by the granting of an eviction order, however, the Respondent did not see fit to attend the CMD or make any representations to assist the Tribunal in considering reasonableness.
14. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicants. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 10th December 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.

H Forbes

Legal Member

6th November 2025
Date