

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/25/1682

Property : 39 Hazeldean Crescent, Wishaw ML2 8RE (“Property”)

Parties:

Yazoo Properties Ltd, 2 Jones Wynd, Motherwell, Lanarkshire ML1 5NJ (“Applicant”)

Whyte Fraser & Co Ltd, PO Box 19118, Motherwell ML1 9FU (“Applicant’s Representative”)

Graeme Rodgers, 39 Hazeldean Crescent, Wishaw ML2 8RE (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ahsan Khan (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 January 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 24 January 2021; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 17 January 2025 ("Notice to Leave") with covering email dated 17 January 2025; Royal Mail proof of delivery of the Notice to Leave on 18 January 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and a copy letter from Freelands Solicitors dated 20 November 2024 regarding the sale of the Property. A Case Management Discussion (“CMD”) was fixed for 7 November 2025. The Application was served on the Respondent by sheriff officer on 29 September 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 7 November 2025 by teleconference. John Calderwood of the Applicant was in attendance and was represented by Alistair Buttery of the Applicant’s Representative. The Respondent was also in attendance.

Mr Rodgers told the Tribunal that he lives in the Property alone. He said that he suffers from mental health issues which mean he is unable to work. He said that he is in receipt of universal credit. Mr Rodgers told the Tribunal that he had lived in the Property with his mother and when she died 7 years ago he took on the tenancy alone. He said he had lived in the Property for around 13 years. He told the Tribunal that he had been in touch with the local authority about alternative accommodation but there had been little communication from them. He said he had submitted a homeless application. He said that he needed more time to arrange alternative accommodation via the local authority.

Mr Buttery told the Tribunal that the Applicant had owned three rental properties. He had regained possession of two and the Property was the last rental property owned by the Applicant. Mr Calderwood told the Tribunal that he is 60 years old and wishes to retire. Mr Buttery told the Tribunal that the Applicant had allowed the tenant of one of his other properties to stay for an extended period after the eviction order was granted to enable his former tenant to obtain alternative accommodation.

The Tribunal asked Mr Rodgers what outcome he was hoping for at the CMD. Mr Rodgers said that he needed more time. The Tribunal asked if a delay in enforcement until mid-January would be helpful. Mr Calderwood said that he would be content for enforcement to be delayed until the end of January 2026.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 24 January 2021.
2. A Notice to Leave was served on the Respondent by email and recorded delivery post on 17 January 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 14 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.

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 copy letter from Freelands Solicitors dated 20 November 2024 regarding the sale of the Property.

The Tribunal considered the question of reasonableness. The Tribunal is aware that the grant of an eviction order will allow the local authority to progress the Respondent's application for alternative accommodation. The Respondent had told the Tribunal that he needed more time to find alternative accommodation. 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 January 2026.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement until 30 January 2026.

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

**Joan Devine
Legal Member**

Date : 7 November 2025