



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/1427

Re: Property at 2 Woodlands Terrace, Bothwell, G71 8PT (“the Property”)

Parties:

Walker Propco Limited, Castle Cottage Castle Cottage, Portencross, West Kilbride, North Ayrshire, KA23 9QA (“the Applicant”)

Miss Kim Crone, Miss Adele Dunleary, Mr John Sneddon, 2 Woodlands Terrace, Bothwell, G71 8PT; UNKNOWN, UNKNOWN; UNKNOWN, UNKNOWN (“the Respondent”)

Tribunal Members:

Mark Thorley (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order of eviction be granted but with enforceability delayed until 30 January 2026.

- **Background**

The applicant applied to the tribunal by application dated 4 April 2025. The application was accompanied by various documents including a copy of the tenancy agreement, notices to quit and proof of service on the various respondents, section 33 notices and proofs of service, section 11 notice and proof of service and copy title sheet.

The applicant was seeking eviction based on the applicant wishing to sell the property.

The application was served by sheriff officer on the respondent Ms Crone and by advertisement on the other respondents.

- The Case Management Discussion

At the case management discussion the applicant was represented by Mr Donnelly solicitor. Ms Crone attended.

A preliminary issue regarding the service of the AT5 was dealt with and the tribunal accepted that despite the lack of an AT5 the case could proceed.

The respondent did not oppose the granting of the order. She needed an order to secure local authority housing. She had been on a waiting list for over 6 years.

Mr Donnelly confirmed that his client was retiring and wanted to sell the property to release equity from the property.

- Findings in Fact

1. The parties entered in to a Short Assured Tenancy for the rental of the property with a commencement on 21 June 2016.
2. Only one tenant Ms Crone remained in the property, along with her 2 adult sons.
3. The applicant wished to sell the property.
4. The applicant had served all requisite documentation on the respondent.

- Reasons for Decision

The respondent did not oppose the granting of the order. She had been attempting to secure alternate accommodation over a number of years. She needed an order to assist with the local authority providing accommodation.

The applicant had made out a reason for wishing to sell the property. The tribunal accepted that reason.

The only issue arising was the time span for implementation of the order. The tribunal took the view that the order should not be implemented until 30 January 2026. This would allow the respondent to prepare to move and afford the local authority some time in order to provide the respondent with alternative accommodation.

- Decision

To grant an order of eviction but with implementation delayed 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Mark Thorley

21/11/2025

Legal Member/Chair

Date