

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/25/1873**

**Re: Property at Silverton, 3 Forrest Street, Airdrie, Lanarkshire, ML6 7BA (“the Property”)**

**Parties:**

**JWR Holdings Ltd, 52 Southburn Road, Airdrie, ML6 9AD (“the Applicant”)**

**Mrs Mandy Lafferty, Silverton, 3 Forrest Street, Airdrie, Lanarkshire, ML6 7BA (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Helen Barclay (Ordinary Member)**

**[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order on the provision that the order may not be enforced until 3 February 2026.**

**Background**

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

**The Case Management Discussion**

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10am on 3 December 2025. The Applicant was represented by Mr John Grant, solicitor. The Applicant’s own Mr Rafferty joined the call after it had started. The

Respondent was also personally present. Neither party had any preliminary matters to raise. The Tribunal discussed the Application with the parties. The Respondent confirmed that she was content to leave the Property but explained her difficulties in securing alternative accommodation. The Tribunal heard that the Respondent has mobility and health issues and would require a ground floor property. The Applicant no longer wished to be a residential landlord and instead wished to concentrate their business efforts in the renting out of industrial property. Mr Grant explained that the Applicant wished the Eviction Order to be granted as soon as possible but he was in the Tribunal's hands as to whether an extra month should be provided for given the time of year. The Respondent explicitly stated that she would be content to leave the Property but would welcome more time to organise her departure and that an extra month would be helpful.

[4] Having heard from parties the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant let the Property to the Respondent by virtue of a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to sell the Property and divest themselves of their commercial interests in the residential Property sector.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent is content to leave the Property but wishes for more time to organise her departure.*

### **Reasons for Decision**

[5] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application but considered that it was reasonable to do so on the provision that the order may not be enforced until 3 February 2026. Hopefully that will allow the local authority sufficient time to find suitable alternative accommodation and also to avoid the Respondent having to vacate the Property over the festive period.

### **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.

A. McLaughlin

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Legal Member/Chair

3 December 2025

Date