



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

Chamber Ref: FTS/HPC/EV/25/0660

Property at 104 Glenhove Road, North Carbrain, Cumbernauld, G67 2LB (“the Property”)

Parties:

Mr David Stirrat, 276 Lime Crescent, Abronhill, Cumbernauld, G67 3PH (“the Applicant”)

Miss Deburaghanne McNally, 104 Glenhove Road, North Carbrain, Cumbernauld, G67 2LB (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and David Fotheringham (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the eviction order until 14 March 2026, in terms of Rule 16A(d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicants seek an eviction order in terms of Section 51 and ground 1 of schedule 3 of the 2016 Act. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 15 December 2025 at 2pm.
2. The CMD took place on 15 December 2025. The Applicant participated, joining the call late due to technical problems. The Respondent also participated.

The CMD

3. Ms McNally told the Tribunal that the application is not opposed. She is concerned about becoming homeless but wants to move into the social rented sector and the Council have told her that she will not be re-housed until an eviction order is granted.
4. The Legal Member of the Tribunal advised the parties that a potential problem with the application paperwork had been identified during the application stage. A number of tenancy agreements had been submitted – all described as short assured tenancies. Some of these pre-dated 1 December 2017 and some had been signed after this date. The Legal Member indicated that, based on all the documents lodged, it appeared that the current tenancy is a private residential tenancy under the 2016 Act and that the correct process has been followed. Both parties confirmed that there were happy to proceed on that basis.
5. In response to questions from the Tribunal, Ms McNally stated that she resides at the property with her three children, aged 19, 14 and 5 months. She is not working at present as she recently had a baby. The 14-year-old is at secondary school and the 19-year-old is working. No one in the household has a disability. Ms McNally told the Tribunal that there are no issues in relation to her current accommodation, aside from the uncertainty. She wants the security of a tenancy in the social rented sector and is hopeful that something suitable will be offered by the Council. When asked whether she was seeking a delay in enforcement of the eviction order to allow more time to obtain new accommodation, Ms McNally said that an additional few weeks would be of benefit.
6. Ms Stirrat told the Tribunal that the property is his only rental property and that he is selling it and giving up being a landlord due to health problems. He said that he had no objection to a delay in enforcement as he had assumed that the Respondent would be in the property until March 2026, if the eviction order was granted.

Findings in Fact

7. The Applicant is the owner and landlord of the property.
8. The Respondent is the tenant of the property.
9. The tenancy is a private residential tenancy.
10. The Applicant intends to sell the property because he has health problems and wants to cease being a landlord.
11. The Applicant served a Notice to leave on the Respondent on 8 November 2024.

12. The Respondent resides at the property with her three children.
13. The Respondent does not oppose the application. She has applied to be re-housed by the Local Authority and would prefer to be accommodated in the social rented sector.
14. The Local Authority have indicated to the Respondent that she will not be re-housed unless an eviction order is issued by the Tribunal.

Reasons for Decision

15. The application was submitted with a tenancy agreement dated 2021, described as a short assured tenancy. However, the application was initially made in terms of Rule 65 (possession of an assured tenancy) and the Tribunal was advised that the Respondent had lived in the property since 2014. In response to requests for further information and documents, the Applicant submitted a number of other "short assured" tenancy agreements and AT5 notices. These included a tenancy which was for the period 27 July 2017 to 27 July 2019, another for the period 3 June 2021 to 3 June 2023 and a third for the period 20 October 2023 to 20 April 2024. Having regard to the savings provisions contained within the Private Housing (Tenancies) (Scotland) Act 2016 (Commencement Number 3, Amendment, Saving Provision and Revocation) Regulations 2017 and the terms of the 2016 Act, the Tribunal is satisfied that the current tenancy is a private residential tenancy under the 2016 Act. This is because the tenancy which was signed on 3 June 2021 did not come into being at the end of the previous tenancy, as required by the savings provisions. The previous tenancy appears to have continued by tacit relocation at the end of the initial term on 27 July 2019, until a new contractual tenancy was agreed. The current private residential tenancy started on 3 June 2021. Both parties confirmed that they were happy with this interpretation of the tenancy which is currently in place.
16. The application was submitted with a Notice to Leave dated 14 November 2024 together with a post office certificate of posting and track and trace report which establishes that it was served on the Respondent on 8 November 2024. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 14 February 2025.
17. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
18. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in

schedule 3 applies.”

19. Ground 1 of schedule 3 (as amended) states, “(1) It is an eviction ground that the landlord intends to sell the let property. (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord – (a) is entitled to sell the let property, (b) intends to sell it for market value or at least put it up for sale within 3 months of the tenant ceasing to occupy it, and (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”
20. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
21. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent does not oppose the application. She has made an application to the Council and hopes to be re-housed by them. She has been advised that she will not be a priority until an eviction order is granted. She has three children and would prefer to rent in the social rented sector as it would be more secure.
 - (b) The Applicant intends to sell the property as he no longer wants to be a landlord due to current health issues.
22. The Tribunal concludes that the Applicant have complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 21, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.
23. The Tribunal then considered whether to order a delay in enforcement of the eviction order, in terms of Rule 16A (d) of the Tribunal Procedure Rules 2017. The Tribunal noted that the Applicant requested a period of 10 to 12 weeks from the date that the order is granted. The Applicant did not oppose this, stating that he had assumed that the Respondent would remain in the property until March 2026. The Tribunal is therefore satisfied that they should order a delay in execution of the eviction order until 14 March 2026.

Decision

24. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

15 December 2025