

**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/25/2100**

**Re: Property at 23 James Murdie Gardens, Hamilton, ML3 0RT (“the Property”)**

**Parties:**

**Mr Mark Gilhaney, Mrs Gemma Gilhaney, 10 Scott Drive, Law, Carlisle, ML8 5GE (“the Applicants”)**

**Ms Louise Meighan, Ms Joan Meighan, 23 James Murdie Gardens, Hamilton, ML3 0RT (“the Respondents”)**

**Tribunal Members:**

**Nicola Irvine (Legal Member) and Gordon Laurie (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicants are entitled to the Order sought for recovery of possession of the property.**

**Background**

1. The Applicants submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 13 October 2025 informing both parties that a CMD had been assigned for 25 November 2025 at 10am, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make

a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 3 November 2025. No representations were received.

### **The case management discussion – 25 November 2025**

4. The CMD took place by conference call. The First Applicant joined the call and both Applicants were represented by Mrs Lynne Bridges. The Respondents joined the conference call and the First Respondent represented both of them. The Tribunal explained the purpose of the CMD.
5. The Respondents did not oppose the application for an eviction order. The First Respondent confirmed that they received the notice to leave by email on 26 November 2024. They have been in contact with the local authority and have been placed on the emergency homeless list. The issue for them is finding suitable accommodation because the Second Respondent suffers from some medical conditions which means that she requires ground floor accommodation. The Respondents cannot afford another privately let tenancy and therefore they are relying on the local authority to provide suitable alternative accommodation. Given the time of year and the Second Respondent's health conditions, the Respondents sought further time to find alternative accommodation.
6. The Applicants' position is that they intend to sell the let Property as soon as they obtain vacant possession. They have already engaged a local estate agent to market the Property for sale. The estate agent has advised them not to obtain a home report before vacant possession has been obtained. This is the only rental property owned by the Applicants. Their mortgage is due to expire in the early part of 2026. It is not feasible for the Applicants to retain the Property and they wish to cease activity as landlords.
7. The Tribunal adjourned the CMD briefly to enable the members to consider the submissions made by both parties. When the CMD was reconvened, the Tribunal explained that the members found that the ground of eviction had been established and that it was reasonable to grant the order for eviction. In light of the Second Respondent's circumstances, the Tribunal decided to extend the period of charge for removal by a period of 8 weeks.

### **Findings in Fact**

8. The parties entered into a private residential tenancy which commenced 5 November 2018.
9. The Applicants served Notice to Leave on the Respondents by email on 26 November 2024.
10. The Applicants intend to sell the let Property.

## **Reason for Decision**

11. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
12. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicants relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondents did not oppose the application, but they sought more time to find alternative accommodation. The information before the Tribunal was that the Applicants have already engaged an estate agent and they intend to sell. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by both parties, the Tribunal found that it was reasonable to grant the order for eviction.
13. Having decided that it is reasonable for an order for eviction to be granted, the Tribunal considered delaying the execution of an eviction. The Tribunal granted the Respondents' request for more time. This gives both parties certainty as to when an eviction can take place but also affords the Respondents slightly longer to find alternative accommodation. In terms of section 216(4) of the Bankruptcy and Diligence etc Scotland Act 2007, the Tribunal varied the period of charge by extending it for 8 weeks.

## **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.**

# Nicola Irvine

Legal Member/Chair

-

Date

25 November 2025