



**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”)**

Property at Flat 1/1 5 Bagnell Street, Springburn, G21 3AA (“the Property”)

Parties:

Mrs Dawn Eldridge, Mr Philip Eldridge, 58 Melville Gardens, Bishopbriggs, G64 3DD (“the Applicants”)

Mrs Fiona Allan, Mr Ross Gemmell, Flat 1/1 5 Bagnell Street, Springburn, G21 3AA; Flat 1/1 5 Bagnell Street, Springburn, G21 3AA (“the Respondents”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Frances Wood (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 Respondents in favour of the Applicants.

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 Respondents, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 2 December 2025 at 2pm.
2. The CMD took place on 2 December 2025. Both Applicants and both Respondents participated.

The CMD

3. Mrs Allan told the Tribunal that the application is not opposed. She said that she and her son have applied to be re-housed in Coatbridge. They have been accepted onto a housing list for that area and await the outcome of the Tribunal case as they will not be given priority until an eviction order is granted. Mrs Allan

said that she is currently working, mostly from home. However, she has a number of health issues which affect her mobility and is now struggling with the stairs in her present accommodation. She needs a ground floor flat. In addition, she and her son want to move to Coatbridge as they have family there who will be able to provide them with support. In response to questions from the Tribunal, Mrs Allan said that an order delaying enforcement of the eviction order is not required.

4. Mr Eldridge told the Tribunal that the property is to be sold as part of their retirement planning. They had 16 properties and have already sold 10. They plan to sell the remainder over the next two years or so, so that they can retire fully from being landlords.

Findings in Fact

5. The Applicants are the owners and landlords of the property.
6. The Respondents are the tenants of the property.
7. The Applicants intend to sell the property because they are planning to retire and cease being landlords.
8. The Applicants served a Notice to leave on the Respondents on 6 January 2025.
9. The Respondents do not oppose the application. They have applied to be re-housed by the Local Authority in Coatbridge as they have family in that area to provide support.
10. The property is no longer suitable for the Respondents as the first Respondent has mobility problems and has difficulty with the stairs.
11. The Local Authority have indicated that the Respondents will not be given priority for re-housing unless an eviction order is issued by the Tribunal.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 6 January 2025 together with a copy email which establishes that it was served on the Respondents on that date. 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 3 April 2025.
13. 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.

14. 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.”
15. 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.”
16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicants intend to sell the property and that part 1 of ground 1 is established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondents do not oppose the application. They have applied to North Lanarkshire Council and hope to be re-housed in the Coatbridge area. They have been advised that they will not be a priority until an eviction order is granted. Their current accommodation is no longer suitable for their needs as the first Applicant has mobility problems and requires a ground floor flat.
 - (b) The Applicants intend to sell the property. They are in the process of selling all their rental properties so that they can retire.
18. The Tribunal concludes that the Applicants have complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 17, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

19. The Tribunal determines that an eviction order should be granted against the Respondents.

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.

J.Bonnar

Date: 2 December 2025