



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/25/0891

Re: Property at 27 Linkwood Road, Airdrie, ML6 6GP (“the Property”)

Parties:

Mrs Anne Dorman, 13 Douglas Street, Motherwell, ML1 3JQ (“the Applicant”)

Mrs Ann Lining, 27 Linkwood Road, Airdrie, ML6 6GP (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”), which took place by telephone conference on 14 January 2026, the Applicant was not in attendance but was represented by her daughter, Mrs Karen McBride. The Respondent was also present and was supported by Ms Lisa Morrow.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that -

Background

The Tribunal noted the following background:-

- i. The Title Sheet for the Property is in the name of Mr Patrick Dorman who died on 2 November 2021.
- ii. The Applicant leased the Property to the Respondent in terms of a Private Residential Tenancy Agreement (“the PRT”) that commenced on 18 March 2024.
- iii. On 18 October 2024, the Applicant per her agent served on the Respondent by email a Notice to Leave requiring the Respondent remove from the Property by 13 January 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”).
- iv. The Applicant has served on North Lanarkshire Council by email dated 10 April 2024 a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that –

The CMD

At the CMD Mrs McBride for the Applicant made the following submissions:-

- i. The Applicant is seeking an eviction order.
- ii. The administration of the estate of the Applicant's late husband is complete and the Applicant has inherited the Property from him.
- iii. The Tribunal explained that the Notice to Leave was served solely on the basis of the Applicant's intention to sell the Property and therefore the application could not proceed on the basis of any alleged anti-social behaviour by the Respondent or any alleged failure by the Respondent to look after the Property. Mrs McBride noted and accepted the position.
- iv. The Applicant has no other rental properties.
- v. The Property was initially intended to be rented out on a short term basis but Mr Dorman took ill around 10 years ago and he left the management of the Property to the Letting Agent.
- vi. The Applicant is almost 80 years of age and the last 4 years have been very stressful for her. She is not in good health.
- vii. There is no mortgage over the Property.
- viii. Mrs McBride did not know what the Applicant intends to do with the proceeds of sale but she wants to financially support her grandchildren, and does not want the responsibility of being a landlord.
- ix. Mr Dorman said to the Applicant to do what she wanted with the Property.
- x. The Applicant thought it would be straightforward to sell.
- xi. The Respondent has occupied the property for around 15 years. Following the death of the Respondent's late husband the PRT was entered into with her.
- xii. Asked about recent repairs Mrs McBride stated that the Letting Agent deals with those and contact her as required.
- xiii. The Letting Agent is Your Move, Coatbridge.
- xiv. Mrs McBride did not know the position regarding the deposit.
- xv. As well as contact with On The Move Estate Agents, another estate agent had also valued the Property in Summer 2025.

The Respondent, assisted by her supporter who spoke on her behalf from time to time, made the following submissions in response to questions from the Tribunal:-

- i. The Respondent is looking for alternative accommodation.
- ii. She completed the necessary application form for local authority accommodation in 2024. However, the application cannot progress until the Tribunal grants an eviction order.
- iii. The Respondent wants the eviction order granted today.
- iv. The Respondent will likely be allocated temporary accommodation in the first instance.
- v. The Respondent's late husband died in January 2024. Following advice from the CAB, a new tenancy was entered into between the Applicant and the Respondent so the Applicant could start the process to sell the Property.
- vi. The Council has given no indication as to when accommodation might become available following the grant of an eviction order.
- vii. The Respondent requires a 3 bedrooomed property for her and her 2 children aged 13 and 16 years both of whom are still at school.
- viii. Neither the Respondent nor her children have disabilities per se but the Respondent has been under considerable stress following the loss of her husband and suffered a breakdown last year. Her health is now improving.

ix. The Tribunal asked whether the Respondent would want the Tribunal to suspend for a period of time the enforcement of any eviction order granted. She said she wanted the Council to make progress with her application and felt any suspensions would simply delay matters further which she did not want.

Reasons for Decision

There are no factual matters of dispute between the parties. The Respondent confirmed the granting of an eviction order is not opposed.

The application proceeds solely upon Ground 1 of Schedule 3 of the 2016 Act.

Ground 1 of Schedule 3 of the 2016 Act 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.*
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—*
 - (a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,*
 - (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market."*

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a), having acquired title thereto following the death of her husband.

Sub-paragraph 2(b) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon an undated letter from On The Move Estate Agents relative to the sale of the Property. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(b).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(c). The Tribunal took into account the Respondent's desire for an eviction order to be granted to enable her housing application to North Lanarkshire Council to be progressed. She asked that an order be granted at the CMD without any period of suspension. The Tribunal also noted the Applicant's age and considered it reasonable that she would no longer wish to be a landlord, a situation she inherited from her late husband.

On that basis the Tribunal considered it reasonable to grant an eviction order in terms of Ground 1 of Schedule 3 of the 2016 Act.

Decision

With the consent of the Respondent, the Tribunal grants an eviction order against the Respondent in favour of the Applicant in terms of Section 51 and Ground 1 of Schedule 3 of the 2016 Act.

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.

G. Buchanan

Legal Member/Chair

14 January 2026
Date