



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 (“the 2016 Act”) and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (“the Regulations”)

Chamber Ref: FTS/HPC/EV/25/2017

Re: Property at 2 Forth Place, Larkhall, ML9 1NB (“the Property”)

Parties:

Mrs Hazel Wyper, Mrs Clare Struthers, 17 Whinkowne, Ashgill, Larkhall, ML9 3AP; 2 Kames Park, Strathaven, ML10 6ZH (“the Applicant”)

Miss Katie-Louise Steel, 2 Forth Place, Larkhall, ML9 1NB (“the Respondent”)

Tribunal Members:

Nicola Weir (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for recovery of possession of the property be granted.

Background

1. By application received on 12 May 2025, the Applicant applied to the Tribunal for an order for recovery of possession of the Property in terms of Section 51 of the 2016 Act against the Respondent. The application sought recovery in terms of Ground 1 of Schedule 3 to the 2016 Act (landlord intends to sell). Supporting documentation was submitted in respect of the application, including a copy of the tenancy agreement, the Notice to Leave/proof of service of same, the Section 11 Notice to the local authority in terms of the Homelessness (Scotland) Act 2003 and evidence in support of the ground, namely confirmation that estate agents were instructed in relation to the proposed sale.

2. Following initial procedure, and the submission of further supporting documentation, on 17 August 2025, a Legal Member of the Tribunal with delegated powers from the Chamber President issued a Notice of Acceptance of Application in terms of Rule 9 of the Regulations.
3. Notification of the application and details of the Case Management Discussion (“CMD”) fixed for 4 February 2026 was served on the Respondent by Sheriff Officer on 15 December 2025. In terms of said notification, the Respondent was given an opportunity to lodge written representations. No written representations were lodged by or on behalf of the Respondent prior to the CMD.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by telephone conference call on 4 February 2026 at 2pm. Both Applicants, Mrs Hazel Wyper and Mrs Clare Struthers, were in attendance, as was the Respondent, Miss Katie-Louise Steel.
5. Following introduction and introductory comments by the Legal Member, Miss Steel was asked to confirm her position in relation to the eviction order sought by the Applicant. She confirmed that she was not opposing the application but that she had not been able to move out as she would not be allocated local authority housing until an eviction order was granted by the Tribunal. She has applied to South Lanarkshire Council for accommodation for herself and her 9 year old daughter, who resides with her. She also has a homeless officer assigned to her. She has not been provided with any timescale from the local authority for being provided with alternative accommodation. She has been asked to let them know as soon as an order is granted. Miss Steel has applied for mainstream housing but, due to health issues, she hopes to be re-housed in the Larkhall area, where she has some support.
6. Both Mrs Wyper and Mrs Struthers explained their circumstances and the reason they now require to sell this Property. Mrs Struthers explained that she has had some difficult circumstances recently. She was made redundant, her husband has been receiving cancer treatment for the past year and her mother (who provided some financial support to her) also passed away in August 2025. She requires to release the capital from the Property to assist her financially. Mrs Wyper also explained that she was not in a position to buy Mrs Struthers out of the Property and that they have no alternative but to sell it. They explained that they had held off as long as they could. Both had other rental properties but were finding it increasingly difficult and no longer financially viable to continue as landlords. Mrs Wyper had already sold two of hers. Mrs Struthers has another let property, jointly owned with her husband, but that tenant is in rent arrears.
7. The Tribunal also canvassed with parties their position on the Tribunal’s discretion to extend the usual timeframe for eviction in such circumstances, to

provide the tenant with additional time to secure alternative housing. However, Miss Steel advised that she was not seeking an extension as she has been waiting a long time, as have the Applicants, for the Tribunal process to reach this stage. She will advise the local authority straight away, once the order is granted, and is confident that she will be re-housed with her daughter.

8. The Tribunal conferred to consider the application and then advised parties that the Tribunal would grant the eviction order sought, on usual timescales, and that the decision would follow in writing as soon as possible, stipulating the earliest eviction date (7 March 2026). Miss Steel confirmed that she was happy for the Tribunal to communicate the decision to her by email to speed the process up. It was recommended that parties communicate with each other and can coordinate an agreed date for the Respondent vacating. Parties were thanked for their attendance and the CMD concluded.

Findings in Fact

1. The Applicant is the joint owner and landlord of the Property.
2. The Respondent is the tenant of the Property by virtue of a Private Residential Tenancy which commenced on 20 February 2020.
3. The Applicant intends to sell the Property and to market it for sale as soon as possible and within 3 months of obtaining vacant possession, having already instructed an estate agent in the matter.
4. A Notice to Leave in proper form and giving the requisite period of notice (84 days) was served on the Respondent by both email and personal delivery on 13 February 2025.
5. The date specified in the Notice to Leave as the earliest date the eviction Application could be lodged with the Tribunal was 11 May 2025.
6. The Tribunal Application was submitted on 12 May 2025.
7. The Respondent has remained in occupation.
8. The second-named Applicant requires to sell the Property for financial reasons, due to changes in her personal circumstances.
9. The first-named Applicant is unable to 'buy-out' the second-named Applicant's share in the Property as this is not financially viable.
10. The Respondent lives with her 9 year old daughter, has made application to the local authority for social housing and has a dedicated homelessness officer.
11. The Respondent does not oppose the application, nor seek any extension on the applicable earliest date for eviction.

Reasons for Decision

1. The Tribunal gave careful consideration to all of the background papers including the application and supporting documentation and the additional oral information provided at the CMD by both Applicants and by the Respondent.
2. The Tribunal found that the application was in order, that a Notice to Leave in proper form and giving the requisite period of notice (84 days) had been served on the Respondent and that the application was made timeously to the Tribunal, all in terms of the tenancy agreement and the relevant provisions of the 2016 Act.
3. The Tribunal considered that the ground of eviction, that the landlord intends to sell (Ground 1 of Schedule 3 to the 2016 Act, as amended) was satisfied in that all elements of Ground 1 were met and that it was reasonable, having regard to all of the circumstances known to the Tribunal, to grant the eviction order sought.
4. The Tribunal had noted that there was supporting documentation with the application from the Applicant's estate agent who had been instructed to act in the sale of the Property with a view to it being sold once vacant possession had been obtained. The Tribunal noted the Applicant's personal and financial circumstances, and the reasons stated for them requiring to sell the Property, all as narrated above. The Tribunal noted that the Applicant wished to sell to release the equity in the Property, which was particularly required by the second-named Applicant in view of changes in circumstances over the past year or so. The Tribunal also noted the Respondent's personal circumstances and that she accepted the Applicant's position and did not oppose the application. It was noted that the Respondent lived with her 9 year old daughter and that she had already been in contact with the local authority to make application for social housing. The Respondent had a health condition of which the local authority were aware and it was hoped that she may secure housing in the same area as currently, where she has supports close at hand in respect of her condition. It was also noted that the Respondent had been informed by the local authority that she would not be re-housed until an eviction order had been granted by the Tribunal. In all of the circumstances, the Tribunal considered it reasonable to grant the eviction order sought and noted that the Respondent did not wish the Tribunal to extend the usual timescales for eviction.
5. The Tribunal did not have any material before it to contradict the Applicant's position, nor any opposing arguments from the Respondent. The Tribunal accordingly determined that an order for eviction could properly be granted at the CMD as there were no facts in dispute nor any other requirement for an Evidential Hearing.

6. The earliest date for eviction, which will be stated in the eviction order, will be **7 March 2026**.

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 Weir

Legal Member/Chair

4 February 2026
Date