

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/25/2513

Re: Property at 23 Coursington Place, Motherwell, ML1 1LU (“the Property”)

Parties:

Mr James Graham Mitchell, 31 Laighlands Road, Bothwell, G71 8AL (“the Applicant”)

Ms Carol Young (Formally Collins), Mr Donald Young, 23 Coursington Place, Motherwell, ML1 1LU (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property. The Tribunal varied the period of charge by extending it for 3 months, in terms of section 216(4) of the Bankruptcy and Diligence etc Scotland Act 2007.

Background

1. The Applicant 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 15 December 2025 informing both parties that a CMD had been assigned for 5 February 2026 at 2pm, 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 5 January 2026. No representations were received.

The case management discussion – 5 February 2026

4. The CMD took place by conference call. Both parties joined the conference call and represented themselves. The Tribunal explained the purpose of the CMD.
5. The Respondents advised that they do not oppose the application for an eviction order. However, they went on to explain that they do not have alternative accommodation. The Property is a 3 bedroomed terrace house and the household consists of the Respondents, their adult daughter and two grandchildren. The Respondents' daughter and grandchildren have been living in the Property since 2018. The Respondents have been living there for approximately 15 years. They cannot afford a private rental property. They have been in touch with the local authority but have not been offered alternative accommodation.
6. The Applicant explained that he owns approximately 23 rental properties, 7 of which are now empty and ready to be marketed for sale, and 1 of which is currently being marketed for sale. The Applicant's intention is to sell all of his rental properties and to cease activity as a landlord. He wishes to recover possession of this Property in order to sell it.
7. The Tribunal explained that it has discretion to extend the period before an eviction can take place, if the Tribunal grants an order for eviction. The Tribunal asked parties for submissions on whether the Tribunal should exercise that discretion. The Applicant advised that he would rather have this matter resolved now and he was doubtful about whether any extension of time would benefit the Respondents, given the extent of the waiting list for housing in North Lanarkshire. The Respondents explained that they would like additional time beyond the normal timeframe for eviction so that they can contact the local authority again to identify alternative accommodation.
8. 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 Respondents' circumstances, the Tribunal decided to extend the period of charge for removal by a period of 3 months.

Findings in Fact

9. The Applicant is the heritable proprietor of the Property at 23 Coursington Place, Motherwell, ML1 1LU.
10. The Respondents are the tenants of the Applicant.
11. The parties entered into a private residential tenancy which commenced 1 May 2024.
12. The Applicant served Notice to Leave on the Respondents by email on 19 February 2025.
13. The Applicant intends to sell the Property.

Reason for Decision

14. 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.
15. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Respondents indicated that they do not oppose the application and they sought more time to find alternative accommodation. The information before the Tribunal was that the Applicant intends to sell all of his rental properties in due course. 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.
16. 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 3 months.

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.

N. Irvine

Legal Member/Chair

5 February 2026

Date