



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/25/2977

Re: Property at 10 Muirhall Place, Larbet, FK5 4RD (“the Property”)

Parties:

Mr Kenneth Robert James Marshall and Mrs Judith Shaw Marshall, 23 Main Street, Kilsyth, G65 0AH (“the Applicants”)

Mrs Mary Tadla, 10 Muirhall Place, Larbert, FK5 4RD (“the Respondent”)

Tribunal Members:

Gillian Buchanan (Legal Member) and Tony Cain (Ordinary Member)

Decision

At the Case Management Discussion (“CMD”) which took place by telephone conference on 11 February 2026, the Applicants were not in attendance but were represented by Ms Stephanie Connor of Moore Marshall, Solicitors, Kilsyth. The Respondent was also present.

Prior to the CMD and at the request of the Tribunal the Applicants’ representative lodged a copy of the tenancy agreement by email dated 10 February 2026.

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

Background

The Tribunal noted the following background:-

- i. The Applicants are the heritable proprietors of the Property.
- ii. The application concerns a Private Residential Tenancy (“the PRT”) entered into between the parties relative to the Property that commenced on 5 June 2018.
- iii. On 25 February 2025, the Applicants per their agents issued to the Respondent by recorded delivery post a Notice to Leave requiring the Respondent remove from the Property by 22 May 2025 on the basis of Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (“the 2016 Act”). The Notice to Leave was also issued to the Respondent’s daughter by email on 25 February 2025 and was acknowledged by her on the same day.

- iv. The Applicant per her agents has served on Falkirk Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.

The CMD

In the absence of any written submissions the Tribunal first sought to understand the Respondent's position. In response to questions from the Tribunal the Respondent stated:-

- i. She has lived in the Property since 2018.
- ii. She lives in the Property alone.
- iii. The Respondent's daughter is her overnight carer.
- iv. She has various health issues.
- v. The Tribunal asked whether the Respondent has looked for alternative accommodation. She referred to her disability and ill health and to her family circumstances including the very recent unexpected death of her sister. She said the Applicants gave her "first refusal" on buying the Property. She said they had always been very nice landlords and she had no issues with them or their letting agents. She said her daughter deals with emails for her. She investigated whether she could raise sufficient funds to purchase the Property but was not able to do so.
- vi. The Respondent has subsequently looked for alternative properties since around February or March last year. She has registered with Falkirk Council as well as Paragon and Link Housing Associations. She has also registered with Fife Council and has taken advice from the Citizens Advice Bureau.
- vii. She has visited estate agents and looked at other properties on the market and has tried to bid for those online. When viewing rental properties she is up against 20 to 30 other interested parties.
- viii. She understands the Applicants' position and is not contesting an eviction order being granted but there is no alternative accommodation available.
- ix. The Property has two bedrooms and she is looking for something similar both in the public and private sectors.
- x. She has been awarded medical points and would prefer a property without stairs.
- xi. The Property is not adapted but has a bath lift.
- xii. The local authority is awaiting the Tribunal's decision in this application and the Respondent may thereafter be allocated temporary accommodation.
- xiii. The Respondent understands the housing crisis that exists.
- xiv. She feels in limbo just now.
- xv. She will be 70 years of age next month.
- xvi. She has already made preparations to move out the Property and has stored some furniture in a container.
- xvii. She has been advised that it might take two to three years for a permanent home to become available and it might be some distance way from where the Respondent presently stays.
- xviii. The Respondent said there may be a chance of renting a house privately but it will not be ready until at least March. Her daughter is helping her with this. Her daughter knows someone with a private house to rent and might consider the Respondent as a tenant.

On behalf of the Applicants Ms Connor made the following submissions:-

- i. The Applicants are aged 61 and 58 years respectively.
- ii. They wish to sell the Property as part of their retirement planning.

- iii. They have one other property that is rented out which they are also planning to sell. No Notice to Leave has yet been issued in respect of that other property. The tenant of the other property is an elderly ex-serviceman who lives alone.
- iv. There is no particular reason why the Applicants have chosen to sell the Property first rather than the other one.
- v. The Tribunal asked about there being no e-mail address for the Respondent within the PRT notwithstanding that all communications are agreed to take place by e-mail. Ms Connor explained that the Respondent had asked that her daughter manage the Property for her and indeed her daughter had responded to the Notice to Leave on the same day that it was emailed to her. She has also been involved in the prior discussions with regard to the Applicants' offer to sell the Property to the Respondent.
- vi. Ms Connor acknowledged that the track and trace receipt of the Royal Mail was confusing.
- vii. She did not accept that the Notice to Leave was one day short of the required notice period. However even if that was the case the application was not raised until 49 days after the Notice to Leave had expired.
- viii. In response to a question from the Tribunal about when the Applicants intended to retire, Ms Connor stated that no date had been determined but the Second Respondent had not renewed her practising certificate as a solicitor.
- ix. Ms Connor confirmed that the First Applicant is the principal of the firm for which she works, Moore Marshall.
- x. Asked by the Tribunal as to whether the Applicants had tried to market the Property for sale with the Respondent in occupation Ms Connor stated that the Applicants had tried to sell the Property to the Respondent or anyone in her family. Otherwise the Applicants had not taken steps to market the Property for sale with the Respondent in occupation.
- xi. Asked whether, in the event that the Tribunal determined to grant an eviction order, the Applicants would have any issue with the order being suspended for a period of time, Ms Connor confirmed that there would be no issue with a suspension for a couple of months.

The Respondent finally stated that she had telephoned the Applicants' letting agent to let them know how she was getting on with her search for alternative accommodation and that she had been advised to continue to live in the Property otherwise she would make herself homeless. She has accommodated housing checks and is making progress to pack up meantime.

Reasons for Decision

The Tribunal was satisfied, having regard to the Decision of the Upper Tribunal in *Halcrow v Davies & Hunter FTS/HPC/EV/24/2653*, that on any view the Notice to Leave issued to the Respondent was valid and properly served.

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

Ground 1

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 Applicants are entitled to sell the Property in terms of sub-paragraph 2(a), being the heritable proprietors thereof.

Sub-paragraph 2(b) requires that the Applicants intend 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 Applicants rely upon a letter dated 23 January 2025 from Kelvin Valley Properties in which they acknowledge the Applicants’ instructions to market and sell 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 that the Respondent consents to an eviction order being granted and indeed is in the course of packing up her belongings the Tribunal considered it reasonable to grant such an order on that basis.

Having reached the decision to grant an eviction order the Tribunal carefully considered whether to delay the execution of the eviction order in terms of Rule 16A(d) of the First-tier Tribunal Housing and Property Chamber Rules of Procedure 2017.

The Tribunal concluded that (i) having regard to the Respondent’s circumstances, including her age and health in particular, and the efforts she is making to secure alternative housing both in the private and public sectors, and (ii) that there is no real urgency for the Applicants to sell the Property, it is reasonable to provide the Respondent with an extended period of time to obtain alternative accommodation. Accordingly, the Tribunal determined that the enforcement of the eviction order should be suspended until 12 noon on 11 June 2026.

Decision

Of consent, the Tribunal granted an eviction order against the Respondent in favour of the Applicants with execution of that order delayed until 12noon on 11 June 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.

G. Buchanan

Legal Member/Chair

11 February 2026
Date