

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 (“the Act”) Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/2354

Re: Property at 83 Delphwood Crescent, Tullibody, Aloo, FK10 2TP (“the Property”)

Parties:

Mr Edward Gallagher T/A Greengate, Mrs Karen Paterson T/A Greengate, Mr Steven Paterson T/A Greengate, 223 Ayr Road, Newton Mearns, Glasgow, G77 6AH; 223 Ayr Road, Newton Mearns, Glasgow, G77 6AH; 223 Ayr Road, Newton Mearns, Glasgow, G77 6AH (“the Applicant”)

Mr Craig McGregor, Miss Claire Newman, 83 Delphwood Crescent, Tullibody, Aloo, FK10 2TP; 83 Delphwood Crescent, Tullibody, Aloo, FK10 2TP (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory ground being established and the statutory procedure having been carried out, it is reasonable to grant the Order sought and so the Tribunal granted the Order.

Background

1. By application dated 2 June 2025 (“the Application”), the Applicant applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 1 of Schedule 3 to the 2016 Act.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties and an entry date of 15 May 2023;
 - ii) copy Notice to Leave in terms of Ground 1 of Schedule 3 to the Act dated 4 March 2025 with proof of issue;
 - iii) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Clackmannanshire Council being the relevant local authority and
 - iv) copy email correspondence between the Applicant and their estate agent confirming an instruction to sell;
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (“CMD”) was fixed for 16 January 2026 at 14.00 by telephone conference and intimated to the Parties.
4. Prior to the CMD, the Respondents submitted an email explaining that they were in touch with the local authority seeking alternative accommodation.

CMD

5. The CMD took place on 16 January 2026 at 14.00 by telephone. The Applicant was represented by Mr. E. Gallagher and Mrs. K. Paterson. The Respondents were both present and were unrepresented. He did not submit written representations. The Tribunal was satisfied that the Respondent had been made aware of the CMD and that he ought to attend and so proceeded in his absence.
6. The Tribunal explained that it required to be satisfied that the correct statutory process had been carried out, that the Ground for the Application was satisfied and that it was reasonable to grant the Order. In this regard, the Tribunal advised that it was satisfied that the correct procedure had been carried out and that there was supporting evidence for Ground 1.

7. The Tribunal asked if the Respondents opposed or consented to the Application. Mr. McGregor advised the Tribunal that the Application was not opposed as he and Ms. Newman had secured alternative suitable accommodation and intended to vacate the Property on or around 14 February 2026, the date to which their rent is paid. For the Applicant, Mr. Gallagher confirmed that the Applicant is aware that the tenants will be removing from the Property.
8. The Tribunal confirmed that an Order would be granted, but, in accordance with the Tribunal Rules, the Order could not come into force until 22 February 2026.

Findings in Fact

9. From the Application and the CMD, the Tribunal made the following findings in fact: -
 - i) There is a private residential tenancy of the Property between the Parties commencing on 15 May 2023;
 - ii) The Applicant intends to sell the Property;
 - iii) The Respondents do not oppose the Application, have secured alternative accommodation and intend to vacated the Property on around 14 February 2026.

Rule 17 (4) of the Rules

10. The Tribunal had regard to Rule 17(4) of the Rules which states that the Tribunal *“may do anything at a case management discussionincluding making a decision”*. The Tribunal took the view that it had sufficient information to make a decision.

Issue for the Tribunal

11. The issue for the Tribunal was to determine whether or not to grant the Order sought. The statutory ground and procedure being established and the Application not being opposed, the issue for the Tribunal was to determine if it

is reasonable to grant the Order. The Tribunal took the view that it had sufficient information to make a decision on reasonableness.

Decision and Reasons for Decision

12. The Tribunal had regard to all the information before it and to its Findings in Fact. As the Respondents have secured alternative accommodation and intend to vacate the Property, the Tribunal was satisfied that it is reasonable to issue an eviction order.

13. This decision is unanimous.

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.

Karen Moore

Legal Member/Chair

23 January 2026
Date