



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/25/3438

Re: Property at 8 Limetree Road, Clydebank, G81 3NY (“the Property”)

Parties:

Mr Simon Ross, Mrs Caroline Ross, 21 Parkhall Road, Clydebank, G81 3QS (“the Applicant”)

Ms Jane McNicol, 8 Limetree Road, Clydebank, G81 3NY (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction. The Tribunal determined to suspend enforcement of the order until 7 April 2026.

Background

1. By application dated 12 August 2025 the applicants seek an order for eviction on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicants lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to leave with proof of service
 - Letter of Engagement from EVE Property
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
3. A case management discussion (“cmd”) was assigned for 4 February 2026.

Case management discussion – 4 February 2026- teleconference

4. The applicants were represented by Ms McKinley, EVE Property Scotland Ltd. The respondent attended on her own behalf.
5. Ms McKinley sought an order for eviction. She stated that the applicants had no issues with the respondent's conduct however due to their age they had made a decision to sell the property as part of their financial planning for retirement. Ms McKinley stated that she was aware that the respondent had been looking for alternative property but had been unable to find anywhere suitable. Ms McKinley stated that the applicants and respondent had a good relationship but that an order was needed in order to sell the property.
6. Ms McNichol stated that she understood why the applicants had raised proceedings. She stated that she accepted that they wanted to sell the property, She stated that she had been actively looking for alternative properties but had been unable to find anything affordable in the private sector. She advised that her income at present is from universal credit and personal independence payment and due to the level of rent in private lets she was unable to afford them.
7. Ms McNichol stated that she had an active housing application with the local authority. She stated that her housing officer was aware of the eviction application. She had been advised that the local authority would only be able to provide alternative housing in the event that an eviction order was granted.
8. Ms McNichol stated that she had suffered from a number of serious health issues and had received some priority points as a result on her housing application.
9. Ms McNichol did not seek to actively oppose the application. She stated that if an order was granted an extension of the period before enforcement to 2 months would be of assistance in maximising her chances of having suitable alternative accommodation in place from the local authority.

Findings in fact

10. Parties entered into a private residential tenancy agreement with a commencement date of 2 March 2018.
11. A valid notice to leave was served on the respondent on 20 February 2025.

12. The applicants have instructed estate agents to sell the property..
13. The respondent resides alone in the property.
14. The respondent has been unable to source suitable affordable alternative accommodation in the private sector.
15. The respondent has an active application for social housing with the local authority.
16. The respondent does not oppose the application.
17. The applicant raises no issues with the respondent's conduct in the tenancy.
18. The respondent is affected by a number of serious medical conditions. She receives personal independent payment as a result of her medical conditions.

Reasons for decision

19. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

20. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

21. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
22. Ground 1 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.

23. The Tribunal accepted the evidence that the applicants intend to sell the property. This was not disputed by the respondent and was corroborated by the letter of engagement from estate agents.
24. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
25. The Tribunal gave significant weight to the fact that the applicants sought to sell the property as part of their financial planning for retirement. The Tribunal gave significant weight to the respondents personal circumstances her application for housing with the local authority and her lack of opposition to the application. Taking these factors into account the Tribunal determined that on balance it was reasonable to grant an order.
26. The Tribunal determined that in light of the respondents personal circumstances and the fact that the request was not opposed, it was reasonable to suspend enforcement until 7 April 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.

Mary-Claire Kelly

4 February 2026

Legal Member/Chair

Date