



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under rule 39 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”) and Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1273

Re: Property at 355 Redburn Bonhill, Alexandria, G83 9BZ (“the Property”)

Parties:

Ms Claire Black, Mayburn Rigg road, Cumnock, KA18 3JL (“the Applicant”)

Mrs Jacqueline Holmes, 355 Redburn Bonhill, Alexandria, G83 9BZ (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Gerard Darroch (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the decision of 25 August 2025 ought to be reviewed and the application for an eviction order in terms of paragraph 1 of schedule 3 of the 2016 Act granted.

1. Background

1.1 By way of decision dated 25 August 2025, the Tribunal had refused the application for an eviction order. This was because the application had been made after the expiry of the period of six months from the date in terms of section 61(1)(b) of the 2016 Act specified within the notice to leave which accompanied the application.

1.2 The Applicant had submitted a timeous application for a review of the decision. The said application was accompanied by a copy of a further notice to leave given to the Respondent. The Tribunal determined it

appropriate in the circumstances to fix a hearing on whether the application for review ought to be granted.

2. The Hearing

- 2.1 The Hearing on the application for a review took place on 16 March 2026 by teleconference. The Applicant attended personally. The Respondent was neither present nor represented. The Tribunal determined that it was appropriate to proceed in the Respondent's absence as permitted by rule 29 of the Rules.
- 2.2 The Tribunal had noted that the notice to leave accompanying the application cured the issue leading to its refusal. Accordingly, it proceeded to advise the Applicant that information simply required to be given to allow it to consider whether it should proceed to grant the application as a whole.
- 2.3 The Applicant confirmed that the Respondent and her husband still resided at the Property. The Applicant's intention was still to sell. Since her mother had passed away she no longer required the Property. She no longer wished to act as a landlord and had no other rental properties. She understood the Property was not suitable for the Respondent and her husband and they wished to move. This was because of their health conditions and the stairs within the Property. The Applicant had been in communication with the local authority and they were intending to rehouse the Respondent but only when an eviction order was granted. The Applicant intended to intimate the decision to the local authority to keep them informed.

3. Reasons for Decision

- 3.1 Given that the previous refusal was made because of the timing of the application, in the face of further notice to leave having been given to the Respondent, the Tribunal considered it appropriate to review that decision.
- 3.2 It appeared that valid notice to leave had been given to the Respondent. The Tribunal was satisfied that the Applicant had demonstrated a reasoned intention to sell the Property. The ground contained in paragraph 1 of schedule 3 of the 2016 Act therefore applied. Accordingly, the Tribunal required to consider whether it was reasonable to grant an order for recovery of possession.
- 3.3 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah* 1947 SC 245 whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the application was made. In the absence of any representations to the contrary, the Tribunal accepted the Applicant's position with regards to the

Respondent wishing to leave the Property and be rehoused by the local authority. Further, the Tribunal noted that the Applicant no longer intended to be a landlord and had no other rental properties. In the circumstances, it was reasonable to grant the order sought.

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.

Alastair Houston

Legal Member/Chair

17 March 2026

Date