

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/25/3682

Re: Property at 10 Camellia Drive, Wishaw, ML2 0FF (“the Property”)

Parties:

Mrs Rhona Hall, The Coach House, Upper Carbarns Farm, Wishaw, ML2 0RW (“the Applicant”) and

Miller Samuel Hill Brown LLP, The Forsyth Building, 5 Renfield St Glasgow G2 5EZ (“the Applicant’s Representative”) and

Ms Katie Lydia McHenry, 10 Camellia Drive, Wishaw, ML2 0FF (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
A Khan - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 6th March 2026

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicants’ Representative had provided the Tribunal, in the Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to North Lanarkshire Council. All of these documents and forms had been correctly and validly

prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Ms McHenry, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 20th January 2026, and the Sheriff Officers' Certificate of Intimation was produced.
4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10am on 6th March 2026. The Applicant's Representative's Ms A Fox as well as the Respondent, Ms McHenry, attended.
5. Ms Fox referred to the Application papers that she had sent to the Tribunal's office. She stated that the Applicant, Mrs Hall, still wishes to recover possession of the Property for personal reasons.
6. Ms McHenry stated that she has applied to North Lanarkshire Council for a tenancy, for herself and her son, who is four years old and has autism. She said that she is agreeable to the grant of an eviction order as this will hopefully give her tenancy application priority.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers, and the submissions made by Ms Fox and Ms McHenry. Having done so, the Tribunal found in fact that Mrs Hall seeks recovery of the Property in order to sell it, Ms McHenry has applied to her local authority for an alternative tenancy and that Ms McHenry consents to the grant of an eviction order. The Tribunal found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied and that it is reasonable to grant an eviction order.

Decision

10. The Tribunal granted an order for Mrs Hall's recovery of possession of the Property as sought in the Application.

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 McWilliams

6th March 2026

Legal Member

Date