



**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/25/3091**

**Re: Property at Flat 2, 1 Glebe Road, Beith, Ayrshire, KA15 1EX (“the Property”)**

**Parties:**

**Miss Laura Graham, 4D Barmill Road, Beith, Ayrshire, KA151EU (“the Applicant”)**

**Mrs Anne Hill, Flat 2, 1 Glebe Road, Beith, Ayrshire, KA15 1EX (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Ahsan Khan (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 that enforcement of the order should be suspended until 18 June 2026.**

**Background**

1. By application submitted dated 14 July 2025 the applicant seeks an order for eviction relying on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
  - Copy tenancy agreement
  - Notice to leave with proof of service
  - Correspondence with Boom Property regarding marketing the property for sale

- Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
3. A case management discussion (“cmd”) was assigned for 18 March 2026.

### **Case management discussion – 18 March 2026- teleconference**

4. The applicant attended on her own behalf. The respondent attended with her representative, Ms Gibson from CHAP.
5. The applicant sought an order for eviction. She stated that due to a change in her personal circumstances she had decided to sell the property. She stated that the tenancy was no longer financially viable and she no longer wanted to be a landlord. The applicant stated that the property required upgrading and she was aware that it was unsuitable for the respondent due to her medical conditions.
6. Ms Gibson stated that the respondent did not oppose an order for eviction. She requested suspension of enforcement of the order for a period of 3 months. Ms Gibson stated that the respondent had submitted an application for housing to the local authority. She stated that after an eviction order was granted the respondent would receive additional priority. She stated that the suspension was sought to allow the local authority time to source suitable accommodation. She stated that the respondent required accommodation which was ground floor and accessible by wheelchair.
7. The applicant consented to the period of suspension sought.

### **Findings in fact**

8. Parties entered into a private residential tenancy agreement with a commencement date of 12 September 2020.
9. A valid notice to leave was served on the respondent on 15 April 2025.
10. The applicant intends to sell the property after upgrading works have been carried out.
11. The respondent does not oppose an order for eviction being granted.
12. The respondent has submitted an application for housing to the North Ayrshire Council.
13. The respondent requires accommodation which is ground floor and wheelchair accessible.

## Reasons for decision

14. 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.*

15. 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.**

16. 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.

17. 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.*

18. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondent.
19. 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.
20. The Tribunal gave particular weight to the fact that the respondent did not oppose the application. The Tribunal also took into account the applicant's evidence that due to a change in her personal circumstances the tenancy was no longer financially viable and a source of stress.
21. The Tribunal determined that in the circumstances it was reasonable to grant the order.
22. The Tribunal considered the application for suspension of enforcement of the order for 3 months. The Tribunal considered the suspension reasonable in light of the respondent's application for alternative housing, her mobility issues and the lack of opposition from the applicant.

## **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

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**Legal Member/Chair**

**18 March 2026**

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