



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/25/3587

Re: Property at 9 Ardmore Crescent, Airdrie, ML6 6GD (“the Property”)

Parties:

Mrs Lorna Harrison, 12 Holm Crescent, Newton Mearns, Glasgow, G77 6UX (“the Applicant”)

Mrs Gayle Hamill or Higgins, Mr Patrick Higgins, 9 Ardmore Crescent, Airdrie, ML6 6GD (“the Respondent”)

Tribunal Members:

Melanie Barbour (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. An application had been received under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 (“the 2017 Rules”) seeking recovery of possession under a private residential tenancy by the Applicant against the Respondent for the Property.

2. The application included: -
 - a. Tenancy agreement 23 November 2020
 - b. Tenancy agreement 16 October 2024,
 - c. PRT Tenancy agreement April 2025
 - d. Two Notices to leave with evidence of service.
 - e. Section 11 Notice with evidence of service
 - f. Email from estate agents

3. The applicant and her husband Mr Harrison, appeared, and both respondents appeared at the case management discussion on 10 April 2024. There was evidence of service of the application papers by sheriff officers on both respondents. The tribunal was prepared to proceed with the application.

Discussion

4. The applicant advised that they were seeking an order for recovery of the possession of the property under ground 1 (intention to sell).

5. The respondent advised that they were not opposed to the order being granted, but wanted some extra time before the order was enforced. They advised that this was the second time that they had to leave their private rented accommodation, and they did not want to have to do this again. They wanted to obtain secure accommodation in the future because of the risk of having to move again. They had been in touch with the local authority and were seeking a secure tenancy. They had been advised that the authority could do little without a date for eviction, and the authority asked for 4 -6 weeks to find something for them once they had a date. They had three grown-up children, who were young adults; the youngest was 19 and still in full-time education. They had spoken to the council, their MSP, and housing associations. They were doing all they could to get other accommodation.

6. The applicant advised they would not object to a couple of extra weeks if that assisted the respondents. They did not want to wait too much longer, however, as they had been reasonable in giving notice, and had been waiting to sell the property for over a year. They advised that their daughter was going to university. And they needed to raise capital to assist their daughter, and therefore, this was the reason they were selling the property.

Findings in Fact

7. The Tribunal found the following facts established: -
8. There existed a private residential tenancy between the Applicant and the Respondent. It had commenced on 21 November 2020.
9. The tenants were Gayle Hammill or Higgins and Patrick Higgins.
10. The landlords were Lorna Harrison and Aaron Harrison
11. The property is 9 Ardmore Crescent, Airdrie, ML6 6GD
12. A notice to leave was submitted for each tenant dated 23 May 2025, stating that an application would not be made until 18 August 2025. It sought eviction under ground 1, the intention to sell.
13. The notices to leave had been served by recorded delivery post on 23 May 2025. There was evidence of service.
14. A section 11 notice had been sent to the local authority advising that the landlord was seeking possession of the property. There was evidence of the service of that notice.
15. The title deeds for the property show that the landlord was the owner of the property.
16. There was an email from Time 2 Sell estate agents, dated 9 May 2025, confirming they would be delighted to act in the sale of the property.
17. The landlord intended to sell the house. They wanted to realise capital for financial reasons to support their family.

Reasons for Decision

18. Section 51 of the 2016 Act provides the Tribunal with a power to grant an order for eviction for a private residential tenancy, if it finds that one of the grounds in Schedule 3 of the Act applies.

19. The grounds which the Applicant seeks eviction under are grounds 1. Ground 1 is in the following terms: -

1 Landlord intends to sell.

(1) It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal [may] ² find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property, [...] ³

(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] ⁴

(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.

20. The applicant appeared. The respondents appeared. The landlord owns the property and, therefore, is entitled to sell the property. The landlord provided evidence of their intention to sell the property. If the order is granted, it appears to the tribunal that the property will be sold. We find that the application meets the tests set out in ground 1.

21. The tribunal was then required to consider whether it would be reasonable to grant the order. We consider it would be reasonable to grant the order for eviction.

22. In deciding to grant the order for eviction, the respondents do not oppose the order being granted. The applicant needs to sell the property to realise capital to support their daughter. The respondents ask for a few more weeks before the order is enforced, as this should hopefully allow the local authority to find accommodation for the respondents and their family. The applicant does not oppose extending this period for 3 weeks. We consider that, in all the circumstances, it would be reasonable to grant an order for eviction and to extend the period for enforcement by three weeks.

23. Having regard to the matters set out above, the tribunal was prepared to grant the order for recovery of possession under ground 1.

Decision

24. The Tribunal grants an order in favour of the Applicant against the Respondent for recovery of possession of the private residential tenancy under ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

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.



Melanie Barbour

16 April 2026

Legal Member/Chair

Date