



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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/25/3469

Re: Property at 14 Dakota Way, Renfrew, PA4 0NP (the Property)

Parties:

Mr Ross McIntyre, 46 Fairfield Drive, Renfrew, PA4 0EG (the Applicant)

Ms Andrea McMillan, 14 Dakota Way, Renfrew, PA4 0NP (the Respondent)

Tribunal Members:

Ms. Susanne L. M. Tanner K.C. (Legal Member)

Mrs. Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord is entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act; and delayed the date for enforcement to 19 April 2026.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant made an application to the tribunal in paperwork submitted between 13 August and 13 November 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
 - 3.1. tenancy agreement (two);
 - 3.2. Copy Notice to Leave, with proof of service;
 - 3.3. Evidence of intention to sell; and
 - 3.4. Section 11 notice to local authority with proof of sending.
4. The tribunal's administration obtained the title sheet for the Property which showed that the Applicant is the registered proprietor.
5. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 28 February 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 8 April 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 21 March 2026. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers.
7. The Respondent did not lodge any opposition to the Application or any written representations.

8. On 8 April 2026, the tribunal clerk informed the tribunal members that an email had been received from the Respondent in advance of the CMD to advise that she would be joining the teleconference from Spain.

Case Management Discussion (CMD): 8 April 2026, Teleconference

9. Mr Macintyre, the Applicant, attended.
10. Ms McMillan, the Respondent, attended.

Submissions by Respondent

11. Ms McMillan stated that the Application is not opposed but that she would like some additional time before having to move out of the Property.
12. Ms McMillan lives in the Property with two children aged 15 and 12. The Property has three bedrooms. Her adult son was also living with her but he has now moved in with another family member.
13. Ms McMillan has disabilities and is seeking another property which does not have too many stairs. Ms McMillan is not employed.
14. The rent for the Property is £735.00 per calendar month. She received universal credit which pays around £450.00 per calendar month towards her rent.
15. Ms McMillan has registered with the local authority for alternative housing but has been told that there is nothing available from the homeless team and that she should look in the private sector. Ms McMillan has registered with three letting sites and receives updates about suitable properties in the area. She has been to see two properties. One of them was £1000.00 per calendar month. She is having difficulty securing property in her area which is in budget.
16. Ms McMillan would appreciate another month beyond the usual 30 day period for enforcement of the eviction order.

Applicant's submissions

17. Mr Macintyre said that the private sale he had secured for the Property had fallen through because of the time taken to reach this stage of the proceedings. He needs to sell the Property to provide funds to move to another property. He is living with his parents until the Property can be marketed for sale. He intends to get the Home Report refreshed once Ms McMillan has moved out and the Property is vacant.

18. Mr Macintyre said that he could agree to an additional month being added to the normal 30 day period for enforcement.

19. The tribunal makes the following findings-in-fact:

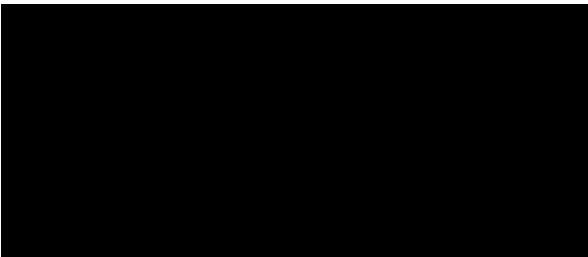
- 19.1. The Applicant is the registered proprietor of the Property.
- 19.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 1 May 2024.
- 19.3. The Respondent lives in the property with two children aged 15 and 12.
- 19.4. The Respondent has a disability which means that she needs a property which does not have a lot of stairs.
- 19.5. The Property has three bedrooms.
- 19.6. The Applicant requires to sell the Property to provide funds to purchase another Property.
- 19.7. The Applicant had agreed a private sale of the Property but it fell through due to the length of time that it was taking to obtain vacant possession.
- 19.8. The Applicant is currently residing with his parents until the Property can be marketed for sale.
- 19.9. The Applicant requires to sell the Property with vacant possession.
- 19.10. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent and her family ceasing to occupy it.
- 19.11. Notice to Leave was served on the Respondent on under Ground 1 of Schedule 3.
- 19.12. The Respondent has registered with the local authority for accommodation and has notified them about the family's needs but nothing has been allocated yet.
- 19.13. The Respondent is not employed.
- 19.14. The Respondent receives Universal Credit towards housing.
- 19.15. The Respondent has begun a search for alternative housing in the private rented sector but requires additional time to obtain a suitable property which meets their needs within budget.

Discussion

20. The Application for an order for eviction was not opposed but the Respondent sought additional time to find another property with the local authority or in the private rented sector. The Applicant was agreeable to an additional period of around a month.
21. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
22. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction. The tribunal decided that an extension to enforcement of the order to 8 June 2026 was appropriate in the circumstances.
23. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act with a deferred date of enforcement of 8 June 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.



8 April 2026