



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/25/4299

Re: Property at 26 Cathkin Place, Kilwinning, North Ayrshire, KA13 6TP (“the Property”)

Parties:

Mr Roy Bryson, 145 Bank Street, Irvine, North Ayrshire, KA12 0NH (“the Applicant”)

Miss Andrea Cochrane, 26 Cathkin Place, Kilwinning, North Ayrshire, KA13 6TP (“the Respondent”)

Tribunal Members:

Melanie Barbour (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 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; but delays the enforcement of the order for two months.

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
 - b. Notice to leave with evidence of service.
 - c. Section 11 Notice with evidence of service
 - d. Contract with estate agents

3. The applicant appeared, and the respondent appeared with her representative, Ms Gibson from CHAP, at the case management discussion on 8 June 2026.

Discussion

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

5. The respondent’s agent advised that the respondent was not opposed to the order being granted but asked for two months from 8 June 2026 before the order could be enforced. They advised that the respondent and her representative 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 2 months to find something for them once they had an eviction date. The respondent had two grown-up children, who were young adults residing with her.

6. The applicant advised that he did not object to a two-month period before the order could be enforced if that assisted the respondent. He advised that he still sought an order for eviction as the cost of renting the property out was no longer financially economical for him and his wife.

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 15 January 2019.
9. The tenant was Andrea Cochrane.
10. The landlord was Roy Bryson.
11. The property is 26 Cathkin Place, Kilwinning.
12. A notice to leave was submitted for the tenant dated 7 February 2025, stating that an application would not be made until 5 May 2025. It sought eviction under ground 1, the intention to sell.
13. The notice to leave had been served by recorded delivery post on 7 February 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 a contract with Lomond Estate Agents and the landlord for the sale of the property dated 11 March 2026.
17. The landlord intended to sell the house.

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 ground on which the Applicant seeks eviction under is ground 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** 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.

20. The applicant appeared. The respondent 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 we have relied on the following facts:
The respondent does not oppose the order being granted. The applicant needs to sell the property as it is no longer financially economical to rent the property out.

23. We will also delay the period for enforcement by 2 months, the reasons for doing so are as follows: The respondent has approached the local authority for accommodation. She has asked for 2 months before the order is enforced to allow the local authority to find other accommodation for her. The local authority has indicated that two months should hopefully allow them enough time to find accommodation for the respondent and their family. The applicant does not oppose extending this period for two months. 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 two months.

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

Decision

25. 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, but delays the enforcement of the order for a period of two months.

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 June 2026

Melanie Barbour

Legal Member/Chair

Date