

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/25/4119

Re: Property at 10 Meadow Drive, Stoneyburn, Bathgate, EH47 8DX (“the Property”)

Parties:

Mr Gary Calvey, 3 Gardner Terrace, Stoneyburn, Bathgate, EH47 8DQ (“the Applicant”) and

Mr Josh Brooks, 10 Meadow Drive, Stoneyburn, Bathgate, EH47 8DX (“the Respondent”)

Tribunal Members:

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

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined as follows:

Background

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 Applicant, Mr Calvey, 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 West Lothian 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, Mr Brooks, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 15th April 2026, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 19th May 2026

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 19th May 2026. Mr Calvey and Mr Brooks attended.
5. Mr Calvey referred to the Application papers and stated that he wishes to recover possession of the Property and sell it for financial reasons. He said that he rents another property with lesser monthly mortgage repayments. He stated that he requires to sell the Property to reduce debts. Mr Calvey said that he would be agreeable to a grant of an eviction order with a deferred enforcement date in two months' time.
6. Mr Brooks said that he understands Mr Calvey's reason for sale of the Property. He said that he has applied to West Lothian Council for a tenancy and has been told by his housing officer that the grant of an eviction order will give his application priority. He stated that he would be agreeable to the grant of an eviction order with a deferred enforcement date in two months' time.

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 documents. The Tribunal also considered the statements and submissions made by Mr Calvey and Mr Brooks at the CMD. Having done so, the Tribunal found in fact that Mr Calvey seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that Mr Calvey and Mr Brooks are agreeable to the grant of an eviction order with a deferred enforcement date in two months' time the Tribunal decided that it is reasonable to grant an eviction order with a deferred enforcement date of 20th July 2026. In reaching the latter decision the Tribunal, also placed reliance on their own knowledge that local authorities are very busy dealing with applications for social housing.

Decision

10. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 20th July 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.

G.McWilliams

19th May 2026

Tribunal Legal Member

Date