



**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/25/5014**

**Re: Property at 33 Thornlea Gardens, Airdrie, ML6 6HW (“the Property”)**

**Parties:**

**Mr Paul Malis, Mrs Tanya Jamieson-Malis, 1376 Clearwater Crescent, Oakville, Ontario, L6H 7J7, Canada; 1367 Clearwater Crescent, Oakville, Ontario, L6H 7J7, Canada (“the Applicants”)**

**Mr Christopher Pellowe, Mrs Lynsay Pellowe, 33 Thornlea Gardens, Airdrie, ML6 6HW; 33 Thornlea Gardens, Airdrie, ML6 6HW (“the Respondents”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Tribunal determined that it was reasonable to suspend enforcement of the order for a period of 3 months from the date of the case management discussion.**

**Background**

1. By application dated 20 November 2025 the applicants seek an order for eviction relying on ground 1 – landlord intends to sell the property. The applicants lodged the following documents with the application:
  - Copy tenancy agreement
  - Notice to leave with proof of service
  - Section 11 notice

- Correspondence from Bell Russel & Co re marketing the property for sale
2. A case management discussion (“cmd”) was assigned for 10 June 2026

### **Case management discussion – 10 June 2026- teleconference**

3. The applicants were represented by Mr Donnelly, Holmes Mackillop Solicitors. The respondents appeared on their own behalf.
4. Mr Donnelly sought an order for eviction. He stated that the applicants had relocated to Canada. As they no longer lived in Scotland they had decided to sell the property.
5. Ms Pellowe advised that the respondents had separated and that Mr Pellowe no longer resided in the property. This was confirmed by Mr Pellowe. Ms Pellowe stated that she did not dispute that the applicants had a genuine intention to sell the property. She did not oppose an order but requested an extension of the period of time before the order became enforceable in order that she could access alternative accommodation.
6. Ms Pellowe advised that she resided in the property with her 16 year old son. She had sought advice in relation to the present application and had an active housing application with the local authority. Ms Pellowe explained that she required additional time as the local authority would take action to assist after an order was granted. She stated that she had recently been made redundant and was awaiting the outcome of benefits applications. She stated that she was affected by a number of medical conditions and was in receipt of Adult Disability Payment. She sought a 3 month suspension as this would allow her benefits application to be processed and allow additional time for the local authority to provide accommodation that was suitable.

### **Findings in fact and law**

7. Parties entered into a private residential tenancy agreement with a commencement date of 22 January 2019.

8. Christophe Pellowe has not resided in the property since January 2025.
9. Ms Pellowe resides in the property with her 16 year old son.
10. The applicants are the sole owner of the property.
11. The applicants intend to sell the property.
12. Ms Pellowe has a number of medical conditions which impact her wellbeing and mobility.
13. Ms Pellowe has been actively seeking alternative accommodation and has applied to the local authority.
14. Ms Pellowe has applied for income benefits, her application is being processed.
15. The respondents do not oppose the granting of an order for eviction.
16. It is reasonable to grant an order for eviction
17. It is reasonable to vary the date of enforcement of the eviction order until 10 September 2026.

### **Reasons for the decision**

18. 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.*

19. 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.*

20. 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.

21. 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.*

22. The Tribunal accepted the evidence that the applicants intend to sell the property. This was not disputed by the respondents.

23. 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
24. The Tribunal gave significant weight to the fact that the respondents did not oppose an order for eviction being granted and made no objection to the reasonableness of the order being granted.
25. In relation to the respondent's request to vary the date of execution to allow a period of 3 months for her to find alternative accommodation and make necessary arrangements, the Tribunal determined that 3 months was a reasonable period to defer execution. The Tribunal gave weight to the fact that the respondents did not oppose the application. The Tribunal gave weight to the fact that Ms Pellowe resided with her son and that she was affected by medical conditions. She had also been made redundant recently which had impacted her income and wellbeing. The Tribunal accepted Ms Pellowe's evidence that she was actively seeking alternative accommodation from the local authority however, an extension would increase the period of time for suitable accommodation to be found. The Tribunal took into account that no issues had been raised in relation to the respondents' conduct as tenants during their occupation since 2019. The Tribunal determined that in light of the foregoing factors 3 months was a reasonable period of time to allow the respondent to remove from the property.

## **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

10 June 2026  
Date