

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/26/0027

Re: Property at 57 Montrose Crescent, Hamilton, ML3 6LF (“the Property”)

Parties:

Dr Paul Flanigan, Cadgersloan Cottage, Bonnybridge, FK4 2EU (“the Applicant”) and

Clarity Simplicity Ltd, 34 Woodlands Road, Glasgow, G3 6UR (“the Applicant’s Representative”) and

Ms Zita Amaral, 57 Montrose Crescent, Hamilton, ML3 6LF (“the Respondent”) and

Hamilton Citizens Advice Bureau, 13 Regent Way, Hamilton, ML3 7DZ (“the Respondent’s Representative”)

Tribunal Members:

G McWilliams- Legal Member

E Williams- 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, Dr Flanigan, 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 South Lanarkshire 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, Ms Amaral, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 5th June 2026, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 9th July 2026

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10am on 9th July 2026. Dr Flanigan and his Representative's Mr A Devlin as well as Ms Amaral and her Representative's Mr C D Nwagbara attended.
5. Mr Devlin referred to the Application papers and stated that Dr Flanigan, who is a retired GP, no longer wishes to be a landlord, has transferred his other property to his son, and wishes to sell the Property to an elderly woman who, in turn, seeks to buy the Property so that she may reside near to her daughter. Mr Devlin further stated that Dr Flanigan considers Ms Amaral to have been a very good tenant. When the CMD resumed after a pause, and the Tribunal stated that they had decided to grant the eviction order, with a deferred enforcement date of 7th September 2026, Mr Devlin stated that Dr Flanigan accepted that this was a fair outcome in respect of the Application.
6. Mr Nwagbara referred to his written submission, which he had sent to the Tribunal's office on 19th June 2026, and re-iterated that Ms Amaral has applied to South Lanarkshire Council and Clyde Valley Housing Association for a social housing tenancy, and seeks to be given some additional time to obtain an alternative tenancy for herself and her children. When the CMD resumed after a pause, and the Tribunal stated that they had decided to grant the eviction order, with a deferred enforcement date of 7th September 2026, Mr Nwagbara stated that Ms Amaral accepted that this was a fair outcome in respect of the Application.

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 Devlin and Mr Nwagbara at the CMD. Having done so, the Tribunal found in fact that Ms Amaral has been a very good tenant, Dr

Flanigan seeks recovery of the Property in order to sell it and an elderly woman has offered to buy the Property in order that she can reside near her daughter. The Tribunal found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. The Tribunal decided that it is reasonable to grant an eviction order with a deferred enforcement date of 7th September 2026. In reaching the latter decision the Tribunal placed reliance on the fact that Ms Amaral has been a very good tenant and decided that it is fair and just that she and her family be given some more time to obtain another, suitable tenancy. The Tribunal also relied on their own knowledge that local authorities and housing associations 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 7th September 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.

Gerald McWilliams

G McWilliams

Tribunal Legal Member

9th July 2026

Date