



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/5534

Re: Property at 90 Glenburn Crescent, Paisley, PA2 8LU (“the Property”)

Parties:

Ms Laura Devlin, Mr Ronald Fairlie, 11 Lyle Road, Greenock, PA16 7QT (“the Applicants”)

Miss Julie Fairlie, 90 Glenburn Crescent, Paisley, PA2 8LU (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be made in terms of paragraph 1 of schedule 3 of the 2016 Act in favour of the Applicants.

1. Background

1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant seeks an eviction order on the basis of ground 1 of schedule 3 of the 2016 Act, namely, the Applicant intends to sell the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to leave given to the tenant, a home report in respect of the property and email confirming the instruction of solicitors in respect of a sale.

1.2 No written representations were lodged by the Respondent in advance of the Case Management Discussion.

2. The Case Management Discussion

2.1 The Case Management Discussion took place on 28 July 2026 by teleconference. All parties attended personally.

- 2.2 Ms Devlin spoke on behalf of the Applicants. Their position was that they intended to sell the property. This was their only property they owned other than their primary residence. They no longer wished to act as landlords and were concerned about their financial resources should any major work be required to the property. The property was being let for £950.00 per month. There was no finance outstanding on the property. Their intention remained to sell.
- 2.3 The Respondent confirmed that she resided at the property with her two daughters, aged 20 and 16, and her 8 month old granddaughter. The Respondent did not oppose the application. She had applied for rehousing in East Renfrewshire and Renfrewshire in order to be close to her daughter's school. With the assistance of the Citizens' Advice Bureau, she had also last week made a homeless application to Renfrewshire Council. No decision had yet been taken. She could not afford another private let. Her income totalled around £2000.00 per month in the form of Universal Credit and Disability Living Allowance. She would be reliant on social housing if having to move from the property.
- 2.4 The Tribunal discussed the potential of enforcement of any order being delayed with the parties, given the application was not opposed. Neither party had any representations to make in respect of such a delay.

3. Reasons For Decision

- 3.1 The Tribunal had noted that valid notice to leave had been given to the Respondent by the Applicant. The Applicant sought an eviction order on the basis of paragraph 1 of schedule 3 of the 2016 Act. Paragraph 3 is in the following terms:-

*1(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.*

In the present case, the Applicants had provided a copy of the home report obtained in respect of the property as well as an email confirming the instruction of solicitors. The Tribunal considered that the Applicants had demonstrated their intention to sell the property.

3.2 The Tribunal thereafter considered it reasonable to issue an eviction order. The application was not opposed. The Respondent had applied for rehousing and made a homeless application to a local authority. It was within the Tribunal's knowledge that a local authority would owe duties to the Respondent in terms of rehousing should she be likely to become homeless within the next two months. The Tribunal considered it appropriate to order a delay in enforcement of the eviction order of two months, giving the local authority time to provide suitable, affordable accommodation and in light of there being dependent children residing with the Respondent.

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.

Alastair Houston

Legal Member/Chair

28 July 2026
Date