



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/26/0060

Re: Property at 48 Crindledyke Crescent, Newmains, ML2 9NH (“the Property”)

Parties:

Mr Ian Macgregor, 166 Hope Street, Glasgow, G2 2TJ (“the Applicant”)

Ms Chelsea Davidson, 48 Crindledyke Crescent, Newmains, ML2 9NH (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Ahsan Khan (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

1. Background

- 1.1 This is an application under rule 109 of the Chamber rules whereby the Applicant sought an eviction order on the basis of ground 1 of schedule 3 of the 2016 as he wished to sell the Property. The application was accompanied by copies of the private residential tenancy agreement between the parties, the notice to leave given to the Respondent, the notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003 and a letter confirming the instruction of solicitors in relation to the sale of the Property.
- 1.2 By way of emails on 3 and 6 August 2026, the Respondent lodged representations and documents for the Tribunal to consider. These included a letter from her daughter's school and disability benefit award letter.

2. The Case Management Discussion

- 2.1 The Case Management Discussion took place on 20 August 2026 by teleconference. The Applicant was represented by Mr Wacławski of Guardian Lettings. The Respondent attended personally.
- 2.2 The Applicant's representative confirmed that the application was insisted upon. The Applicant intended to sell the Property as he was elderly and was beginning to dispose of his property portfolio. He owned six properties, all of which were tenanted. This was the first one in respect of which steps had been taken to recover possession. The Applicant's representative did not have details of the Applicant's personal and financial circumstances. He noted that the representations lodged by the Respondent advised the order was not opposed but a delay in eviction was sought, albeit the length of any delay was unspecified.
- 2.3 The Respondent confirmed that she did not oppose the granting of an eviction order and recognised the Applicant was entitled to sell the Property. She had resided there with her six year old daughter since March 2023. Since receiving the notice to leave, she had been in contact with the local authority. They had advised they required an eviction date before any assistance would be provided. She had received notification that a homeless application had only been taken on 3 August 2026 and no decision as to the duties owed had yet been provided. She required to reside in the Newmans or Wishaw area for support in respect of her daughter, in respect of whom disability benefits were paid due to her health conditions. She received Universal Credit and was, herself, unfit to work due to her health. The family's income comprised of benefits and amounted to approximately £1300.00 per month. She had applied to Trust Housing Association but did not have any priority. Private lets in the area were unaffordable with rents around £800.00 per month being charged. She required social housing. She was seeking a delay in any eviction until October.
- 2.4 The Tribunal canvassed the issue of delaying eviction until around the end of October with the Applicant's representative. He confirmed that there was no issue taken with that and the Tribunal indicated the order would be granted in those terms.

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 Applicant had provided a letter confirming instruction of solicitors regarding the sale of the property. The Respondent did not take issue with the Applicant's intention to sale. The Tribunal considered that the requirements of paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met and that no further evidence was required relating to this.

- 3.2 The Tribunal noted there was no dispute between the parties as to the order ought to be granted. On that basis, the Tribunal was satisfied that it was reasonable to grant the eviction order and no hearing was required. The Respondent sought a delay in enforcement of any eviction order, which the Tribunal was permitted to order in terms of rule 16A of the Chamber rules. The delay sought was not opposed by the Applicant. It was within the Tribunal's knowledge that the local authority ought to owe duties in terms of the Housing (Scotland) Act 1987 to the Respondent if she were likely to become homeless within the next two months. This was not a situation of the Respondent's making. A period of delay until the end of October ought to be sufficient for the local authority to determine the homeless application made and assist with alternative accommodation. Accordingly, the Tribunal delayed enforcement of the order until 30 October 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.

A Houston

Legal Member/Chair

20 August 2026
Date