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/25/4926

Re: Property at 9 Lennox court, Kilsyth, G65 0NT ("the Property")

Parties:

Khanna Homes Ltd, Radliegh House, 1 Golf Rd, Glasgow, G76 7HU ("the Applicant")

Mrs Alison Smith, 9 Lennox Court, Kilsyth, G65 0NT ("the Respondent")

Tribunal Members:

Fiona Watson (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- Background

1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). Said application sought a repossession order against the Respondent on the basis of the Applicant's intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ("2016 Act").

- Case Management Discussion

2. A Case Management Discussion ("CMD") took place on 12 October 2026. The Applicant was represented by Mr Mannish Khanna, Director. The Respondent appeared personally and represented themselves.

3. The Applicant moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"), which commenced 1 November 2022. The Applicant intended to sell the Property and required vacant possession in order to do so. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 16 July 2025. The Applicant intends to sell their portfolio of properties as it is no longer financially viable to continue. It was submitted that there was no objection to the Respondent being given further time before any order could be enforced, if that would assist her.

4. The Respondent submitted that she had no objection to the order being granted. She has been working with the local authority regarding an application for rehousing and they cannot complete the last step in the process until a repossession order has been granted. She suffers from disabilities and health issues, and lives with her adult daughter who helps care for her.

5. The following documents were lodged alongside the application:

(i) Copy Private Residential Tenancy Agreement
(ii) Copy Notice to Leave
(iii) Proof of service of the Notice to Leave by email
(iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
(v) Letter from Archibald Sharp confirming instruction re appraisal of the Property for marketing for sale

- Findings in Fact

6. The Tribunal made the following findings in fact:

(i) The parties entered into a Private Residential Tenancy Agreement which commenced on 1 November 2022;
(ii) The Applicant is the heritable proprietor of the Property;
(iii) The Applicant is entitled to sell the Property;
(iv) The Applicant has served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;
(v) The Applicant has provided a letter of engagement from a firm of solicitors regarding the marketing of the Property.

- Reasons for Decision

7. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicant intends to sell the property and intends to do so within 3 months of the Respondent ceasing to occupy it. The Tribunal was satisfied that a Notice to Leave had been served on the Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act. The Tribunal noted that the Respondent had sought rehousing from the local authority and did not object to

the order being granted as this would assist her in her housing application. The Tribunal was satisfied that, given the Respondent's disabilities and health conditions, it would be reasonable to delay extract of the order for a longer period, to give the Respondent more time to facilitate a move to alternative accommodation.

- Decision

8. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016, with such Order not being enforceable before 12 December 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.

Fiona Watson

Legal Member/Chair **Date: 12 October 2026**