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/25/4943

Re: Property at 45 BRAIDWOOD PLACE, LINWOOD, PA3 3SW ("the Property")

Parties:

MS MARGARET DELANEY, 12 BROOM AVENUE, ERSKINE, PA8 7BB ("the Applicant")

MS MARY BOYCE, 45 BRAIDWOOD PLACE, LINWOOD, PA3 3SW ("the Respondent")

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that the Applicant is entitled to the Order sought for recovery of possession of the property. The Tribunal ordered a delay in the execution of an eviction order until 1 January 2027, in terms of Rule16A (d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicant submitted an application under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017. The Applicant sought an order to evict the Respondent from the Property.

2. A case management discussion ("CMD") took place on 26 May 2026. The Tribunal issued a note summarising that discussion along with a notice of direction.

3. On 26 June 2026, the Applicant's representative submitted a copy email from the estate agent instructed by the Applicant as evidence in support of the eviction ground. A copy of this was sent to the Respondent.

The case management discussion – 3 November 2026

4. The CMD took place by conference call. The Applicant was represented by Ms Nicola Gill. The Respondent joined the call as did her representative, Mr James Learmont. The Tribunal explained the purpose of the CMD.

5. The Respondent confirmed that she is not opposed to the application, although she does not have alternative accommodation available to her. She has not received any offers of alternative accommodation since the last CMD. She has been advised by the local authority that nothing can progress until these proceedings have been concluded. The Tribunal indicated the earliest timescales that an eviction could take place if an order is granted. The Respondent's representative sought a delay in the execution of an order by a period of 4 weeks.

6. The Applicant's representative explained that the homelessness unit have been in contact with her office and has advised that there will be no offer of alternative accommodation until these proceedings are concluded. The Applicant did not oppose the motion to delay the execution of an eviction order.

7. The Tribunal explained that in light of the parties' positions, the Tribunal was satisfied that the ground of eviction is established and that it is reasonable to grant an eviction order. The Tribunal also explained that it had decided to delay the execution of the eviction order by a period of 4 weeks.

Findings in Fact

8. The Applicant is the owner and landlord of the Property at 45 Braidwood Place, Linwood, PA3 3SW.

9. The Respondent is the tenant of the Property.

10. The tenancy in question is a private residential tenancy which commenced on 2 March 2020.

11. A representative of the Applicant served a Notice to Leave on the Respondent by email on 15 August 2025.

12. The Applicant intends to sell the Let Property.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

14. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD.

15. The Applicant has produced documentation from a letting agent who has been instructed to market the Property for sale if and when vacant possession is obtained. The Applicant provided the reason why she wishes to sell the Property. The Respondent did not oppose the application for an eviction order. and the ground of eviction was not disputed by her. The Tribunal was satisfied that the ground of eviction is established.

16. The Tribunal proceeded to consider whether it is reasonable to grant an order for eviction. There was no opposition the application. A cogent reason was given as to why the Applicant wishes to sell the Property. Taking account of these factors, the Tribunal decided that it is reasonable to grant an order evicting the Respondent from the Property.

17. The Applicant wishes to recover possession of the Property in order to sell it. Despite efforts made by the Respondent, she has been unable to secure alternative accommodation thus far. The Tribunal decided to exercise its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 4 weeks. The Tribunal would expect the local authority to treat the Respondent as homeless from the date of this decision in order to identify suitable accommodation for her.

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.

Nicola Irvine

Legal Member/Chair	**3 November 2026** **Date**