



**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/25/1553**

**Re: Property at 277 Muirhall Street East (otherwise known as 277B Muirhall Street East), Coatbridge, ML5 3RZ (“the Property”)**

**Parties:**

**Mr Paul Rooney, 109 Cairnhill Road, Airdrie, ML6 9HP (“the Applicant”)**

**Mrs Esther Baker, 277 Muirhall Street East (otherwise known as 277B Muirhall Street East),, Coatbridge, ML5 3RZ (“the Respondent”)**

**Tribunal Members:**

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

**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 of 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 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- Case Management Discussion
  2. A Case Management Discussion (“CMD”) took place on 31 October 2025. The Applicant was personally present and represented himself. There was no appearance by or on behalf of the Respondent. The Tribunal was satisfied that the application had been intimated on the Respondent by way of Sheriff Officer

on 25 September 2025 and that the Respondent had sufficient intimation of the date and time of the CMD. Accordingly, the Tribunal was satisfied that the CNMD could proceed in the Respondent's absence.

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 2020. 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 12 November 2024. The Respondent had failed to remove from the Property and was still residing therein.
4. It was submitted that in April 2024, the Respondent had advised the Applicant that she wished to vacate the Property and requested that a Notice to Leave be served in order that she could be rehoused by the local authority. The Respondent thereafter cooperated with access for the Home Report being prepared and for viewings to be conducted. However, she failed to remove herself from the Property and a prospective buyer for the Property was lost as a result. The Applicant submitted that he was selling his let property portfolio as he had a change in his financial circumstances. It was no longer financially viable for him to continue to let the Property out.
5. The Respondent submitted a letter to the tribunal received on 13 October 2025. In said letter, the Respondent advised that she was waiting for North Lanarkshire Council to provide her with suitable alternative accommodation. It was stated that the Respondent was struggling with residing in the Property due to the outside stairs and her health conditions.
6. 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 recorded delivery
  - (iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
  - (v) Home Report

- Findings in Fact

7. The Tribunal made the following findings in fact:
  - (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 1 November 2020;
  - (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 Home Report prepared for the sale of the Property.

- Reasons for Decision

8. 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.

9. The Tribunal noted the financial position of the Applicant requiring him to sell the Property, and further noted the terms of the Respondent's letter in which she stated that due to her health conditions and the stairs outside the Property that she required to move to alternative accommodation more suitable to her needs. In all the circumstances, the Tribunal was satisfied that it was reasonable to grant the order.

- Decision

10. 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 of schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

### **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: 31 October 2025**