



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

Chamber Ref: FTS/HPC/EV/25/3457

Property at 83 Springfield Park, Johnstone, PA5 8JT (“the Property”)

Parties:

Mrs Lesley Sim, 6 Gryffe Crescent, Kilmacolm Road, Bridge of Weir, PA11 3PU (“the Applicant”)

Mr Steven Geddes, 83 Springfield Park, Johnstone, PA5 8JT (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Janine Green (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the order until 1 June 2026 in terms of Rule 16A(d) of the Tribunal Procedure Rules 2017.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the 2016 Act. A copy of the application was served on the Respondent, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 9 March 2026 at 10am.
2. The CMD took place on 9 March 2026. The Applicant was represented by Ms Fernando. The Respondent participated.

The CMD

3. The Respondent told the Tribunal that he made extensive efforts to find alternative accommodation, without success. However, his circumstances have

recently changed. He moved into the property 8 years ago, following a relationship breakdown. His ex-wife and son live in the house that he owns. His ex-wife has now purchased her own property and will move into it on 1 June 2026. He will return to the house and his son (who is due to leave school and start college at the end of May) will live there with him. The Respondent explained that he needs to stay in the area due to his job and this has restricted his options in relation to renting another property. However, he has nowhere to go if he has to move out the property before 1 June 2026. He told the Tribunal that he has always paid his rent, would prefer just to give notice to vacate on 1 June and is concerned about becoming homeless.

4. Ms Fernando told the Tribunal that the Applicant requires to sell for personal and financial reasons. Her son, who formerly owned the property, has had to take time off work as his partner is ill. The house requires to be sold to alleviate the financial issues that this has caused. The Applicant requires the order to be granted, rather than the tenant simply giving notice. Due to the financial pressures, any delay in enforcement is opposed as the house requires to be sold as soon as possible.

Findings in Fact

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property.
7. The tenancy is a private residential tenancy.
8. The Applicant intends to sell the property.
9. The Applicant served a Notice to leave on the Respondent on 22 April 2025
10. The Applicant has decided to sell to provide assistance for family members who are experiencing financial difficulty as a result of health issues.
11. The Respondent does not oppose the eviction order. He intends to return to reside at a property that he owns on 1 June 2026, when his former spouse moves out.
12. The Respondent has nowhere to move to until 1 June 2026. He has been unable to obtain alternative rented accommodation.

Reasons for Decision

13. The application was submitted with a Notice to Leave dated 22 April 2025 together with a post office certificate of posting and track and trace which establish that it was sent to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends

to sell the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 18 July 2025.

14. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
15. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
16. Ground 1 of schedule 3 (as amended) states, “(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.”
17. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
18. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent does not oppose the order. He would prefer to give notice to vacate the property but cannot move out until 1 June 2026, when a property that he owns will become available for occupation by him.
 - (b) The Respondent requires to live in the locality for reasons associated with his employment.
 - (c) The Applicant requires to sell the property for pressing financial and personal reasons.
19. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 18 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction. The Respondent indicated that the order is not required, as he intends to give notice and vacate by 1 June 2026 anyway. However, as he may fail to do so, or may give notice and fail to vacate, the Tribunal is satisfied that an order should be granted
20. The Tribunal then considered whether to order a delay in enforcement of the order in terms of Rule 16A(d) of the Procedure Rules. The Respondent provided valid reasons for the request. He will not be able to move into his own

property until 1 June 2026. Although the Tribunal notes that the Applicant is anxious to sell the property as soon as possible for pressing family reasons, a delay until 1 June 2026 will only mean an additional 5 weeks beyond the usual timescales which apply. Having noted that the Respondent has stated that he would be homeless during this period, the Tribunal is satisfied that a delay until 1 June 2026 would be appropriate.

Decision

21. The Tribunal determines that an eviction order should be granted against 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.

Josephine Bonnar

Legal Member:

Date: 9 March 2026