



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 71 of the Private Housing (Tenancies) Scotland (“Act”) 2016

Chamber Ref: FTS/HPC/EV/26/1351

Re: Property at 2 Benmore Lane, Greenock, PA16 0SA (“the Property”)

Parties:

Mr Neil Woodhead, 2 Hotchberry Road, Brigham, Cumbria, CA13 0TQ (“the Applicant”)

Miss Stephanie Shaw, 2 Benmore Lane, Greenock, PA16 0SA (“the Respondent”)

Tribunal Members:

Andrew Cowan (Legal Member) and Frances Wood (Ordinary Member)

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction and possession of the Property should be granted in favour of the Applicant.

Background

1. This is an application by the Applicant for an eviction order in relation to a Private Residential Tenancy (“PRT”) in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”). The PRT had been granted by the Applicant to the Respondent commencing on 23rd October 2024.
2. The application was dated 16th March 2026 and lodged with the Tribunal on 23rd March 2026.
3. The application relied upon a Notice to Leave dated 1st September 2026 in terms of section 50 of the Private Housing (Tenancies) (Scotland) Act 2016, served upon the Respondent by recorded delivery post on 1st September 2026

and by email, all in accordance with the provisions of the PRT. The Notice relied upon Ground 1 of Schedule 3 Part 1 of the 2016 Act, being that “the landlord intends to sell”. The Notice to Leave intimated that an application to the Tribunal would not be made before 1st December 2025.

4. The application papers include a copy of a home report which the Applicant had instructed in preparation for the sale of the property. That report was based on an inspection of the Property which had been completed on 6th October 2025.
5. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served upon Inverclyde Council on 23rd March 2026 was included in the application papers.

The Hearing

6. The matter called for a case management discussion (“CMD”) of the First-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 8th October 2026 at 1400.
7. The Applicant did not join the conference call. He was represented on the call by Mr Andrew Bowan from Bowman Rebecchi Residential Letting Limited, the Applicant’s letting agents.
8. The Respondent joined the conference call.
9. At the CMD, the Applicant’s representative confirmed that the application for eviction was insisted upon. He explained that the Applicant had decided to sell the property as he no longer wished to continue to act as a landlord. It was explained that the Applicant has recently moved to live in England. The Applicant has recently sold three other properties he owned, and which had also been let out on the private rented market. Whilst there were no immediate pressing financial reasons for the Applicant to sell the Property, the Tribunal understood that the landlord was now in his later years, that he did not keep good health and that he had made a decision to divest himself of his portfolio of rented properties and to withdraw from the private rented market. The Applicant has instructed Bowman Rebecchi Residential Letting Limited to sell the Property. The Applicant wishes to gain vacant possession of the Property to allow the Property to be sold.
10. The Respondent confirmed to the Tribunal that she had no reason to doubt that the Applicant intended to sell the Property.
11. The Respondent explained to the Tribunal that the Property is a one bedroom property, and that she currently pays £400 per month by way of rent. The Respondent lives alone in the property. Following service of the Notice to Leave upon the Respondent, in September 2025, the Respondent had made some attempts to find alternative accommodation. The Respondent has applied to the local authority for housing and has also made inquiries with local housing associations. The Respondent has been advised by the local authority that it is

unlikely that she would be considered as a priority for housing unless an order for her eviction from the property was granted by the Tribunal. The Respondent appeared to accept that it was inevitable that she would need to move from the Property. The Respondent Indicated to the Tribunal that she was seeking a further period of time to allow her to gather funds to afford to pay a deposit on an alternative private rented property as she was not hopeful that the local authority would be able to house her in the event that she was evicted from the property. When asked by the Tribunal how long the Respondent might consider reasonable for her to remove from the property the Respondent indicated that she hoped to stay in the property for up to another five months to allow her to source alternative accommodation. The Respondent confirmed that there were no current rent arrears due to the Applicant under the terms of the tenancy agreement between the parties.

12. The Applicant's representative confirmed that the Respondent is not in rent arrears. When asked by the Tribunal whether the Applicant would consider allowing the Respondent a further period of time in which to remove from the Property, the Applicant's representative suggested that the Applicant may be willing to consider a period of between 6 and 12 weeks if an order for eviction was granted and if such an order delayed execution of that order for such a period of time.

Findings in Fact

13. On 23rd October 2024 the Applicant let the Property to the Respondent under a Private Residential Tenancy with commencement on that date ("the Tenancy").
14. Notice to Leave was posted to the Respondent by recorded delivery post on 1st September 2025.
15. The Applicant raised proceedings for an order for eviction with the Tribunal, under Rule 109, relying in part on Ground 1 of Schedule 3 part 1 of the 2016 Act on or around 16th March 2026.
16. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon Inverclyde Council on the Applicant's behalf on 3rd March 2026
17. The Applicant has instructed Bowman Rebecchi Residential Letting Limited to market and sell the Property.
18. The Applicant intends to sell the Property, and it is reasonable that an order for eviction is granted.

Reasons for Decision

19. The Tribunal was satisfied that it could determine matters at the CMD and without a Hearing in terms of Rules 17 and 18 of The First-tier Tribunal for

Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”).

20. The application was in terms of rule 109, being an order for eviction of a PRT. The Tribunal is satisfied, on the basis of the application and supporting papers, that the Notice to Leave had been competently drafted and served upon the Respondent.
21. Ground 1 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:
 - (1.)...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.
 - (2) 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.
22. The Tribunal is satisfied on the evidence that the Applicant is entitled to sell the Property and that he has a genuine intention to sell the property for market value. The Respondent accepted that this was the position.
23. The Tribunal also considered whether it was reasonable to issue an eviction order.
24. The Tribunal accept that the Applicant wishes to sell the Property as he wishes to retire from the private letting market. The Applicant has instructed estate agents to sell the property and has begun preparations for that purpose including obtaining a home report for the property.
25. The Respondent was served with a notice to leave on and around the 1st of September 2025. The Respondent has had over a year to source alternative accommodation. The Respondent accepts that she will require to remove from the Property and asked the Tribunal to consider granting her more time to find alternative accommodation. The Respondent explained to the Tribunal that she had been advised not to leave the property until the Tribunal had granted an order for her eviction. The Tribunal are aware from their own knowledge and experience that the local authority are more likely to support the Respondent's application for housing if an eviction order is granted.

26. The Tribunal is satisfied that the weight of evidence supports a finding that it is reasonable for an order of eviction to be granted. The Respondent has had notice of the landlord's intention to require possession of property for over a year. The Respondent cannot expect to live in the property indefinitely and there are no particular facts which favour the Respondents' wish to remain in the Property and which outweigh the interest of the Applicant in selling the Property. In all the circumstances the Tribunal are satisfied that it is reasonable to grant an order for eviction,

27. Although the Respondent has already had a year to find alternative accommodation the Tribunal accept that Respondent should be given a further period of time to engage with the local authority and other housing providers to secure alternative accommodation. For that reason, the Tribunal have determined to delay execution of an eviction order until 14th January 2027.

Decision

31. In all circumstances, we grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 further to ground 1 of Schedule 3 of that Act.

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.

Andrew Cowan

Legal Member/Chair

9th October 2026

Date