



**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/25/3718**

**Property : 20 Carswell Place, Dunfermline, Fife KY12 9YJ (“Property”)**

**Parties:**

**Lynne Johnson-Matchett, 7 Broomhead Park, Dunfermline KY12 OPT (“Applicant”)**

**Gorrie & Davidson, 26 Viewfield Terrace, Dunfermline, Fife KY12 7LB (“Applicant’s Representative”)**

**William Michie, 20 Carswell Place, Dunfermline, Fife KY12 9YJ (“Respondent”)**

**Tribunal Members:**

**Joan Devine (Legal Member)**

**Melanie Booth (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.**

**Background**

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 1 May 2022; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 21 May 2025 ("Notice to Leave") with covering email dated 21 May 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; copy terms of engagement with Amazing Results, estate agents dated 16 September 2025; confirmation in favour of the Applicant in respect of the estate of Alfred Bernard Johnson-Matchett. A Case Management Discussion (“CMD”) was fixed for 17 April 2026. The Application was served on the Respondent by sheriff officer on 26 February 2026.

## **Case Management Discussion (“CMD”)**

A CMD took place before the Tribunal on 17 April 2026 by teleconference. The Applicant was represented by Ian Donaldson of the Applicant’s Representative. The Respondent was also in attendance.

The Tribunal noted that title to the Property was in the name of Charles Thompson. Mr Donaldson said that was an alternative name used by the late Mr Johnson-Matchett. He said that he has an affidavit from the solicitor who acted for Mr Johnson-Matchett in the purchase confirming that was the case. He said he was aware that Mr Johnson-Matchett frequently used an alias. Mr Donaldson undertook to send a copy of the affidavit to the Tribunal.

The Respondent told the Tribunal that he did not oppose the application. He said that he had been in touch with the local authority who had told him that an eviction order required to be granted before they could progress his application for alternative housing. He said that he is retired and lives in the Property alone.

## **Findings in Fact**

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 1 May 2022.
2. A Notice to Leave was served on the Respondent by email on 21 May 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 15 August 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

## **Findings in Fact and Law**

1. It is reasonable to grant an order for possession of the Property.

## **Reasons for the Decision**

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis

set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was copy terms of engagement with Amazing Results, estate agents dated 16 September 2025 regarding the sale of the Property..

The Tribunal considered the question of reasonableness. In all the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

### **Decision**

The Tribunal determined to grant an order for possession of the Property.

### **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.**

**Joan Devine  
Legal Member**

**Date : 17 April 2026**