

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)**

Chamber Ref: FTS/HPC/EV/25/4616

Re: Property at 80 Spital, Aberdeen, AB24 3JU (“the Property”)

Parties:

Mr Lee Kenny McManamon, Mrs Lindsay Irene McManamon, 14 Breadalbane Terrace, Aberfeldy, PH15 2AG (“the Applicant”)

Miss Heather Collinge, 80 Spital, Aberdeen, AB24 3JU (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By lease dated 20 and 21 October 2021 the Applicants let the Property to the Respondent.
2. A notice to leave dated 29 July 2025 was served upon the Respondents.
3. An application dated 21 October 2025 was submitted to the Tribunal on 26 October 2025. The Application sought an order for eviction on the ground the Applicants intended to sell the Property.
4. A notice in terms of s11 of the Homelessness Etc. (Scotland) Act 2003 was intimated to the local authority.
5. Correspondence from Solicitors confirming the intention to sell was submitted with the Application.

6. The Respondent provided written submissions in advance of the Case Management Discussion. The written submissions stated that the Respondent was not opposed to an eviction order being granted.

THE CASE MANAGEMENT DISCUSSION

7. The Parties all participated personally in the Case Management Discussion.

The Applicants

8. The Applicants moved the Tribunal to grant an order for eviction. They advised the Tribunal they had previously been residing in tied accommodation which related to Mr McManamon's employment. That employment ended during 2025 and, as a result, they required to remove themselves from the accommodation they had been residing in for many years.
9. Following the loss of Mr McManamon's employment, and the loss of the home they were residing in, they were unable to secure private rented accommodation. With the assistance of Mr McManamon's father, they were able to purchase a flat but it was not adequate for the needs of the family. It was purchased out of necessity at that time. The flat purchased at that time was a one bedroom flat. The family unit, however, amounted to 5 persons in total, the Applicants and their three children, a 14 year old son and twin girls aged 13.
10. After a period of time the Applicants sold that flat to purchase a larger property which they are currently residing in, but that home is not adequate for the needs of the family either. It is in a poor state of repair and, separately, is in an area they would prefer not to be residing in.
11. As a result, the Applicants wished to sell the Property currently being let by them to obtain funds to obtain suitable accommodation for themselves and their children.
12. The Applicants made it clear that they regret having to take this step and appreciate the effect it will have upon the Respondent. They point out that she was a good tenant but, due to the unfortunate circumstances which have affected them and their family over the past year or so, they have no alternative.

The Respondent

13. The Respondent, as had been stated within her written submissions, confirmed that she did not oppose the application. The Respondent's written submissions referred to certain health issues affecting her. She was clear, however, that she did not seek to rely upon any such matter to suggest it was not reasonable to grant an order for eviction.

14. The Respondent has already been in contact with the local authority and is hopeful of securing suitable alternative accommodation. She simply requested that an appropriate period of time be allowed to enable the local authority to identify suitable accommodation for her.

15. The Respondent confirmed that she is unemployed and resides alone.

16. The Respondent indicated to the Tribunal that an eviction order is required by her to enable the local authority to commence the process of providing accommodation to her.

Discussion

17. Considering the following:-

- the application is not opposed,
 - the acknowledgement by the Respondent of the needs of the Applicants, and
 - the acknowledgement by the Applicants of the desire of the Respondent to be allowed an appropriate period of time to enable the Local Authority to provide suitable accommodation,
- the Parties agreed that, if an eviction order is to be granted, the date of enforcement should be deferred until 31 July 2026.

18. Having regard to the lack of opposition to an order of eviction and the agreement of the Parties, the Tribunal granted an eviction order with a date of enforcement deferred until 31 July 2026.

DECISION

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 of said Act

Order not to be executed prior to 12 noon on 31st July 2026

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.

Virgil Crawford

18 May 2026

Legal Member/Chair

Date