



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/25/4504

Re: Property at 42 Lawson Avenue, Forfar, DD8 1JZ (“the Property”)

Parties:

Mrs Bushra Ahmed, Abbotsford, 39 Westfield Crescent, Forfar, DD8 1EG (“the Applicant”)

Miss Debbie Louise Melville and Mr Peter Richard Wingate Howitt, 42 Lawson Avenue, Forfar, DD8 1JZ (“the Respondents”)

Tribunal Members:

Serena Weir (Legal Member) and Ann Moore (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 Respondents in favour of the Applicant such order not to be enforced before 12noon on 26 June 2026.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“**the 2016 Act**”). A copy of the tenancy agreement, Notice to Leave and proof of delivery, Section 11 Notice and a letter from J Myles and Co solicitors dated 16 October 2025 confirming their instruction to sell the Property on behalf of the Applicant, were lodged with the application.
2. A copy of the application was served on the Respondents, and the parties were notified that a Case Management Discussion (“**CMD**”) would take place by telephone conference call on 28 April 2026 at 2pm.
3. The CMD took place on 28 April 2026. The Applicant was represented by Joseph Myles of J Myles and Co solicitors. Debbie Louise Melville appeared on behalf of both herself and Peter Richard Wingate Howitt at the CMD.

Summary of Discussion

4. The Applicant’s representative explained that the Applicant wished to sell the Property because it was no longer a viable investment. It was purchased some years ago for the sum of c£88,000. The Applicant considers that the

Property is likely only worth c£110,000. There is an interest only mortgage over the Property. The monthly mortgage payment had been £403. It has increased to £506 per month. The rent is presently £573.19 per month. The Property is rented through an agency who take 10%. Owing to the costs involved for the Applicant in renting the Property, the net result is that the Applicant is making an overall financial loss on the rental of the Property. The Applicant has one other rental property. It is in a similar situation. That rental property is now vacant and on the market for sale. The Applicant wishes to exit the rental market entirely.

5. Ms Melville explained that she and Mr Howitt had applied for alternative accommodation through the Council. The Council explained to them that they were not able to assist until an eviction order was made against them. The Respondents are in the advanced stages of a property purchase. They hope to have the keys to their new property in three to four weeks at which point they will happily hand the keys to the Property back to the Applicant. The Respondents live in the Property with three children aged 11, 8 and 4. Ms Melville explained that none of the children wished to express a view on or be involved in the present application. Ms Melville explained that she is working part time and Mr Howitt is working full time. No-one living in the Property has any health conditions. Ms Melville explained that the Respondents understood the Applicant's position and the application was not opposed.
6. The Applicant's representative explained that, so as to avoid any difficulties as a result of a delay in the sale of the property being purchased by the Respondents, the Applicant would be prepared to agree that enforcement of any repossession order be delayed until the end of June 2026.

Findings in Fact

7. The Applicant is the owner and landlord of the Property.
8. The Applicant intends to sell the Property. The rent received each month is broadly equivalent to the monthly mortgage payment due on the Property. Taking into account the costs associated with being a landlord, the Property is no longer a financially viable investment for the Applicant. She is exiting the rental market entirely.
9. The Respondents are the tenants of the Property. Ms Melville is in part time employment. Mr Howitt is in full time employment. They live at the Property with three children aged 11, 8 and 4. No-one in the Property has any health conditions. The children do not wish to express a view on or be involved in the present application.
10. A Notice to Leave in proper form and giving the requisite period of notice was served on the Respondents.
11. The date specified in the Notice to Leave as the earliest date an eviction application could be lodged with the Tribunal was specified as 01 July 2025.
12. The Tribunal Application was submitted on 17 October 2025.
13. The Respondents do not oppose the application. They are in the advanced stages of a property purchase. They hope to have the keys to their new property in three to four weeks at which point they will happily hand the keys to the Property back to the Applicant.

Reasons for Decision

14. The application was submitted with a Notice to Leave dated 31 March 2025 together with proof of delivery. The Notice to Leave states that an application to the Tribunal is to be made on ground 1: the landlord intends to sell the

Property. The Notice to Leave states that the earliest date that an application can be made to the Tribunal is 01 July 2025.

15. 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.

16. 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.”

17. Ground 1 of schedule 3 of the 2016 Act (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.”*

18. 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.

19. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -

20. The Respondents do not oppose the application. The Respondents are in the advanced stages of a property purchase. They hope to have the keys to their new property in three to four weeks.

21. The Respondents are both in employment. No one at the Property has any health conditions.

22. The Applicant intends to sell the Property as it is no longer a financially viable investment.

23. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. As to reasonableness, the Tribunal considered the background to the application, the supporting documentation lodged by the Applicant and the oral submissions on behalf of the Applicant and the oral and written submissions on behalf of the Respondents at the CMD, specifically that the request for a possession order was not opposed. Accordingly, the Tribunal was satisfied that it was reasonable in all of the circumstances to grant the eviction order.

Decision

24. The Tribunal determines that an eviction order should be granted against the Respondents but enforcement delayed until 26 June 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.

Serena Weir

Legal Member/Chair

Date 28th April 2026