



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/26/1331

**Re: Property at 66 Union Place, Waterside Gardens, Brightons, Falkirk, FK2 0FH
("the Property")**

Parties:

Mr Michael Harvey, 4 Market Lane, Linlithgow, EH49 7AJ ("the Applicant")

**Mrs Kellie Christie, Mr Graham Christie, 66 Union Place, Waterside Gardens,
Brightons, Falkirk, FK2 0FH ("the Respondents")**

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs S Hesp (Ordinary Member)

Decision (in the absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the
Tribunal") determined that an eviction order should be granted**

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of an assured shorthold tenancy agreement between the parties in respect of the Property, which tenancy commenced on 26th May 2018, together with representations that the tenancy was a private residential tenancy, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of the Case Management Discussion was made upon the Respondents by Sheriff Officer on 15th July 2026.

The Case Management Discussion

3. A Case Management Discussion ("CMD") took place by telephone conference on 17th August 2026. The Applicant was in attendance and represented by Ms Simone Callaghan, Paralegal. The Respondents were not in attendance.

4. The Tribunal considered the terms of Rule 29 of the Tribunal's Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
5. The Applicant said he last had contact with the Respondents in December 2025 when he made them aware of his plan to sell the Property, and his intention to serve a notice to leave. The Respondents indicated their unhappiness and have had no further contact with the Applicant.
6. Ms Callaghan explained the Applicant has recently retired from work after being made redundant. He will not be eligible for the State Pension for some years and requires the funds from the sale of the Property to supplement his pension, provide funds for his child's education, and to carry out home improvement and car repairs. This is the only property let by the Applicant, and it was never his intention to let the Property long term. There is also a degree of stress involved with letting the Property given that the Respondents have disengaged.
7. Ms Callaghan said the Respondents have two children at primary school. One of the children has a health condition, and the Respondents have previously made the Applicant aware that they require to be within walking distance of the primary school due to this condition. One of the Respondents is believed to be in employment. The Respondents indicated in December 2025 that they were looking for alternative accommodation. The Property has not been adapted to the requirements of the Respondents and their family. The Applicant representative has received notification from the local authority that assistance is available to the Respondents.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 26th May 2018.
 - (ii) Notice to leave has been served upon the Respondents.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
10. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
11. The Applicant requires to sell the Property in order to supplement his pension and cover other household and family expenditure. The Applicant no longer wishes to be a landlord.
12. The Respondents did not see fit to provide representations or attend the CMD. The Tribunal noted that there are children in the Property, one of whom is said to have a health condition. The Tribunal considered that granting an order may cause hardship to the Respondents and their children; however, in the absence of any representations or attendance, the Tribunal could not determine what, if any, effect the granting of an order would have upon the family.
13. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicant. It was incumbent upon the Respondents to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondents failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

14. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 21st September 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.

Ms H Forbes

Legal Member/Chair

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17th August 2026
Date