



**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/26/0703

Re: Property at 6 Dunvegan Court, Glenrothes, KY6 2BL (“the Property”)

Parties:

**Mrs Orinda Elliott (Executor of the Late Margaret Campbell), Dingley Dell,
Golden Grove, Whitby, YO22 5HH (“the Applicant”)**

**Miss Rebecca Johnston, 6 Dunvegan Court, Glenrothes, KY6 2BL (“the
Respondent”)**

Tribunal Members:

Alastair Houston (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an eviction order be made in terms of paragraph 1
of schedule 3 of the 2016 Act in favour of the Applicant.**

1. Background

1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant seeks an eviction order on the basis of ground 1 of schedule 3 of the 2016 Act, namely, the Applicant intends to sell the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to leave given to the tenant and confirmation granted in favour of the Applicant.

1.2 No written representations were lodged by the Respondent in advance of the Case Management Discussion. Further representations were lodged by the Applicant on 15 July 2026.

2 The Case Management Discussion

- 2.1 The Case Management Discussion took place on 13 August 2026 by teleconference. The Applicant was represented by Ms Ilonka, solicitor. The Respondent attended personally.
- 2.2 The Applicant's representative confirmed that the Applicant was the executor of the late landlord's estate. It was her intention, and duty as executor, to sell the Property in order that the proceeds may be passed to the beneficiaries. The matter had been further complicated by the death of one main beneficiary with his estate now also awaiting funds being received. The Property was finance free and all proceeds would go to beneficiaries. The Property was the last forming part of the estate which required to be sold.
- 2.3 The Respondent confirmed she is 31 years of age and resides at the Property with her partner and three children, aged 14, 11 and 7. She and her partner did not work, acting as full time carers for the children. Her youngest child had Downs Syndrome and required full time care. She had contacted the local authority upon receiving notice to leave and a housing application to their common register had been taken. The family ideally required accommodation with minimal stairs due to the Respondent's youngest child's need. She believed that only 20 points had been awarded in respect of her application to date and no offer of rehousing had been made. A formal homeless application had not been taken. The family were reliant on benefits including Universal Credit, Scottish Child Payment and children's Disability Living Allowance. She recognised that she required to move from the Property and the application was not opposed but the family could not afford alternative accommodation in the private sector as rents were far in excess of that currently paid. The Tribunal queried whether, in the event the order was granted, whether the family's circumstances warranted any delay in enforcement. The Respondent advised they did not and she was not seeking any additional time. She was to update her housing officer after the Case Management Discussion.
- 2.4 The Applicant's representative advised that the rent payable was below the market rate. If an order were not granted at present, the rent would have to be increased which may not be affordable for the Respondent. Given the parties' positions, the Tribunal indicated the order would be granted.

3 Reasons For Decision

- 3.1 The Tribunal had noted that valid notice to leave had been given to the Respondent by the Applicant. The Applicant sought an eviction order on the basis of paragraph 1 of schedule 3 of the 2016 Act. Paragraph 3 is in the following terms:-

*1(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.
(3) 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.

In the present case, the Applicants had provided a copy of the confirmation granted. A reasoned explanation as to the decision to sell was also before the Tribunal. The Tribunal considered that the Applicants had demonstrated their intention to sell the property and were entitled to do so. There was no dispute between the parties and therefore no need for any further procedure.

- 3.2 The Tribunal thereafter considered it reasonable to issue an eviction order in all of the circumstances. The application was not opposed. The Property was the last comprising the estate of the deceased landlord. Administration of the estate, and that of a beneficiary, could not be concluded until it had been sold. The Respondent had applied for rehousing and would be entitled to make a homeless application to the local authority. It was within the Tribunal's knowledge that the local authority would likely owe duties to her in terms of section 32 of the Housing (Scotland) Act 1987 to the Respondent in terms of rehousing should she be likely to become homeless within the next two months.

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.

Alastair Houston

Legal Member/Chair

13 August 2026

Date