



**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/26/1009

Re: Property at 84 Main Street, Closeburn, Thornhill, DG3 5HR (“the Property”)

Parties:

**Mr Iain Moffat, Mrs Nora Moffat, 80 Newark Road, North Hykeham, Lincoln, LN6
8NA (“the Applicant”)**

**Miss Kim Bissett, 84 Main Street, Closeburn, Thornhill, DG3 5HR (“the
Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

1. On 5th March 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - a. Tenancy Agreement commencing 24th November 2018;
 - b. Copy Notice to Leave dated 11th June 2025;
 - c. Proof of service of the Notice to Leave;
 - d. Section 11 Notice and proof of service;
 - e. Home Report dated 29th January 2026
3. The Application was served on the Respondent by Sheriff Officers on 31st August 2026.

4. On 2nd September 2026 the Applicants' solicitor lodged a copy of an offer received for the property.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference on 15th September 2026. The Second Named Applicant ("NM") joined the call, and both Applicants were represented by Mr Maxwell of Brazenall and Orr, Solicitors. There was no attendance by the Respondent or any representative on her behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Mr Maxwell sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
8. The Tribunal were satisfied that the ground had been established. Mr Maxwell addressed the Tribunal on reasonableness. He explained the health and financial reasons which have led the Applicants to decide that they need to sell the property. It was their former family home, and they have no other rental properties. He confirmed that the Applicants intend to sell the property for market value, or at least market it for sale, within three months of the Respondent ceasing to occupy it. He referred to the copy offer lodged. He explained that the Respondent had resided in the property with her three children but is now living there alone. There are some rent arrears. He also explained that the Respondent has some personal issues.

Findings in Fact

- i. The parties entered in to a Tenancy commencing 24th November 2018;
- ii. A Notice To Leave was served timeously and correctly;
- iii. A section 11 notice was served on the local authority;
- iv. The Application was served on the Respondent by Sheriff Officer on 31st August 2026;
- v. The Applicants intend to sell the property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it;
- vi. The Applicants have financial and health reasons which have led them to the decision to sell;
- vii. The Respondent lives alone in the property.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act states as follows:

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.

10. The Tribunal is satisfied that the proper procedures have been followed and that the ground has been met.

11. The Tribunal is also satisfied that it is reasonable to grant the order. The Applicants have put forward good reason to want to sell. The Respondent has not put forward any reasons to suggest it is not reasonable and has not entered appearance at the Tribunal.

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.

Alison J Kelly

15th September 2026

Legal Member/Chair

Date