



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/26/2228

Re: Property at 1 Bloomfield Place, Lerwick, Shetland, ZE1 0PH (“the Property”)

Parties:

Mr John Tulloch, Russanes, Sandsound, Tresta, Shetland, ZE2 9LU (“the Applicant”)

Mr Mark Hunter, 1 Bloomfield Place, Lerwick, Shetland, ZE1 0PH (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the respondent shall be evicted from the property on the basis of ground 1 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord intends to sell the let property), and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The applicant attended and was accompanied by his wife Mrs Joyce Tulloch for support. The respondent attended.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 19 November 2021.
- (2) Notice to leave dated 2 February 2026.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Evidence of landlord registration.
- (7) Email from letting agent dated 6 February 2026.
- (8) Email from Kelvin Anderson Estate Agents dated 30 January 2026.

Case management discussion

The applicant's position

4. The applicant wishes to sell the property. He is elderly and has ongoing health problems. The property is the former family home and the applicant wishes to realise his interest in it.

The respondent's position

5. The respondent lives in the property with his two adult daughters. He is not opposed to the eviction order. He has sought alternative housing from the local authority and the local housing association, and he has been advised that if he moves out of the property before the eviction order is granted he will be deemed to be intentionally homeless. The respondent wishes the eviction to be granted as this will enable him to make progress with his housing application.

6. Findings in fact

- The applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 19 November 2021.
- The respondent was served with a valid notice to leave dated 2 February 2026, on 4 February 2026.
- The applicant wishes to sell the property and he intends to place it on the market for sale within 3 months of the respondent leaving the property.
- The applicant is elderly and in poor health.
- The respondent is not opposed to the eviction order.

Reasons

7. This was an undefended eviction application. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal first considered the validity of the notice to leave and the notice period. The notice to leave was dated 2 February 2026 and it stated that proceedings would not be raised before 29 April 2026. The applicant therefore gave 86 days notice whereas section 62 of the Act requires an additional day. The application was not made until 16 May 2026. The tribunal considered the reasoning in the recent upper tribunal decision of *Harcrow-v- Davies and Hunter* 2025 UT68 and was satisfied that this was a minor error in the notice which did not materially affect the effect of the notice in terms of section 73 of the Act.

8. The tribunal was satisfied that the eviction ground was met as the applicant had provided a copy of an email from estate agents he had instructed to sell the property when it becomes vacant. He also gave evidence to the tribunal that he intends to sell the property due to his age and health.

9. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The respondent is not opposed to the application. He has taken steps to try and secure alternative accommodation to meet his needs. The local authority has told him that an eviction order will help to expedite matters.

10. The tribunal was satisfied it was reasonable in all of the circumstances to grant the eviction order.

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.

Lesley Ward

7 October 2026

Legal Member

Date