



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

Chamber Ref: FTS/HPC/EV/26/0872

Re: Property at 82 Argyll Road, Kinross, KY13 8BL (“the Property”)

Parties:

Mrs Morag Hodgkinson, Cleoch House, Powmill, Dollar, FK14 7NS (“the Applicant”)

Ms Lisa Quin (formerly Yassin), 82 Argyll Road, Kinross, KY13 8BL (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Helen Barclay (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case. The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the Private Residential Tenancy between the parties will end on 22nd October 2026.

1. The Applicant made an application dated 23rd February 2026 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Rules”). The Applicant relied upon Ground 1 of Schedule 3 of the Act as the ground for eviction, namely that the Applicant intended to sell the property.
2. On 30th April 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Discussion was scheduled for 22nd September 2026. The Tribunal gave notice of the Case Management Discussion to the parties in

accordance with Rule 17(2) of the Rules by letter dated 8th August 2026. Intimation was made on the Respondent by sheriff officers who served this on her on 12th August 2026 at the property by letterbox service. The Tribunal invited the Respondent to make any submissions in writing to the Tribunal by 29th August 2026. No submissions were received by the Tribunal from the Respondent.

Case Management Discussion

4. The Case Management Discussion took place on 22nd September 2026 at 10.00am. Ms. Linich Solicitor, Jackson Boyd LLP, appeared on behalf of the Applicant. The Applicants husband Peter Hodgkinson was also personally present to assist, as the Applicant was unwell. There was no appearance on or on behalf of the Respondent. The Tribunal was satisfied that the Respondents had received notice of the Case Management Discussion. The Case Management Discussion did not start until 1010 and the Respondent had ample time dial in but did not do so. The Tribunal took the view in all the circumstances it was fair and appropriate to continue with the Case Management Discussion in her absence.
5. At the Case Management Discussion the Tribunal had documentation before which included: -
 - a. Application Form E;
 - b. A copy of the Private Residential Tenancy Agreement between the parties dated 28th June 2019;
 - c. A copy of a Notice to Leave dated 20th November 2025 and proof of delivery of the said notice on the Respondent by signed for mail on 21st November 2025.
 - d. A copy Notice in terms of section 11 of the Homelessness etc (Scotland) Act 2003 and evidence of service on Perth and Kinross Council dated 23rd February 2026;
 - e. An affidavit by the Applicant dated 3rd September 2026;
 - f. A letter of engagement from Anderson's LLP Solicitors Kinross dated 12th February 2026.

The Applicants submissions

6. Ms. Linich presented the application to the Tribunal. She advised the Tribunal that her client was the owner of the property, and now sought an eviction order on the grounds that she now wanted to sell it. The appropriate Notice to Leave had been served on the Respondent. The period of notice expired on 16th February 2026, and the Respondent remained in occupation of the property. The Applicant's intention to sell was genuine and was supported by the affidavit

which had been lodged in process. The Applicant had owned the property since June 2002 and had purchased a portfolio of rental properties with a view to retirement planning. The Applicant was in her early 50s and married. She had unfortunately suffered a significant deterioration in her health. Since February 2026 she had been unable to work and had been medically retired on the grounds of ill health. As a result of that, the sale of the property had become increasingly important in order to reduce her overall financial commitments. If she was able to recover possession of the property it was her firm and genuine intention to place the property on the open market for sale without delay. The sale proceeds would be used to reduce her overall mortgage liabilities. The Applicant had other rental properties which she also intended to sell in due course.

7. Miss Linich explained that the Applicant did not have very much information about the Respondents personal circumstances. It was understood however that she lived in the three bedroomed property with two sons, one of whom was at high school while the other was older and had left school. Rent for the property was paid direct to the Applicant via Universal Credit. The Applicant was not aware of any vulnerabilities or health issues that the Respondent might have.
8. The Tribunal adjourned for a brief period to consider the paperwork and the submissions made. The Tribunal concluded that the facts in this case were sufficiently clear and that as it was not necessary to hear evidence in the case the Tribunal could make a decision at the Case Management Discussion. Having considered matters the Tribunal reconvened the Case Management Discussion and issued a decision.

Findings in Fact and Law

9. The Applicant is the owner of the property in terms of land certificate KNR1156.
10. The Applicant is the landlord, and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 28th June 2019.
11. The Applicant's agent sent a Notice to Leave as defined by Section 62 of the 2016 Act dated 20th November 2026 by signed for mail to the Respondent at the property.
12. In terms of the notice, which relied on Ground 1, the Respondent was advised that an application might be submitted to the Tribunal after 16th February 2026.
13. A notice in terms of Section 11 of the Homelessness etc (Scotland) Act 2003 was sent on behalf of the Applicant to Perth and Kinross Council on 23rd February 2026.
14. The Applicant has engaged Andersons LLP Kinross to deal with the marketing of the property once vacant possession was obtained.
15. The Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it.
16. The Applicant is entitled to sell the property.
17. The Tribunal was satisfied that the provisions of Paragraph 1 of Schedule 3 of the 2016 Act had been met in this case.

18. The Applicant had purchased the property as part of a retirement portfolio. As a result of a deterioration in her health, she intended to reduce her property portfolio to reduce her overall borrowings and to assist with her early retirement.
19. Having regard to the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
20. There was no information before the Tribunal that led the Tribunal to consider that the Respondent should be given an extension of time before the order could be enforced.

Reasons for Decision

21. The Tribunal was satisfied that the terms of Ground 1 had been established by the Applicant. It noted that there was evidence that the Applicant wished to sell the property and that solicitors had been engaged to market it once vacant possession had been obtained.
22. The Applicant was the owner of the property and therefore was entitled to sell it.
23. There had been an unfortunate deterioration in the Applicants' health which had led to her requiring to take early retirement. The Applicant was seeking to reduce her property portfolio and reduce the responsibilities and stress associated with the management of properties, as well as reduce her borrowings.
24. The Tribunal considered the Respondent's circumstances insofar as they were known to the Tribunal.
25. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it, which required the Tribunal to identify the factors relevant to issues of reasonableness and to determine how much weight should be applied to them.
26. The Tribunal attached considerable weight to the fact the Respondent had not engaged with the Tribunal, and that the application was not opposed, as well as to the change in the Applicants' personal circumstances.
27. The decision of the Tribunal was unanimous.

Decision

28. The Tribunal grants an order for possession of the property.

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.

Robert MacDonald

22.09.2026

Legal Member/Chair

Date