

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/1104

Re: Property at 20 Copeland Crescent, Cowdenbeath, KY4 8LD (“the Property”)

Parties:

Mrs Bernadette Jack-Burdiss, Min Yr Awel, Tegryn, Pembrokeshire, SA35 0BE (“the Applicant”)

Miss Rachel Glynn, Mr Ryan McDermott, 20 Copeland Crescent, Cowdenbeath, KY4 8LD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant. The Order is superseded until 29th January 2027.

Background

1. An application was received by the Housing and Property Chamber dated 10th March 2026. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016 namely that the Applicant wishes to sell the Property.
2. On 8th August 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 7th October 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 29th August 2026.

3. On 10th August 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by personal service. This was evidenced by Certificate of Intimation dated 10th August 2026.

The Case Management Discussion

4. A CMD was held on 7th October 2026 at 2pm by teleconferencing. The Applicant not present but was represented by Mr Ross Rowan, Operations Manager, Rent Locally. The Respondents were both present. Ms Glynn spoke on behalf of both Respondents.
5. The Tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. Mr Rowan confirmed that he wished the order for eviction to be made. He said that the Applicants moved to Wales on a temporary basis and thought that they would be able to manage their properties from there. However, the move has now become a permanent move. The Applicants now want to sell this Property as they have found the continued management of it to have put them under more stress than they would like to be under. Mr Rowan said that though the Property is managed by his company, the Applicants are hands on landlords. They prefer to choose their own trades people and make sure that all the work has been completed to their standards. This has led them to their decision to sell. Their preference is to sell this property then once that has been completed they will sell the second property.
7. Mr Rowan said that there is no reason in particular why they have decided to sell this property first. There are no rent arrears and there are no tenancy issues.
8. Mr Rowan said that he was not aware of any financial pressures from owning the Property. Selling the Property with sitting tenants but did not view this as an option.
9. The Respondents said that they were not opposed to an order being granted but would like more time to be rehoused. The Respondents would like this to be after Christmas. The Respondents live in the Property with their two children aged 3 and 5 years old. They have looked at private rental properties but have found them to be too expensive. Both Respondents are in full time employment. They are registered with their local authority but that will not be progressed until such time as the order has been granted as they will not be able to assess properties until then.
10. The Respondents said that they had been asked if they would like buy the Property. They did not think that it was appropriate to buy without a home report being commissioned. The Tribunal was not able to give legal advice. However, the Respondents may want to discuss this with a solicitor as there may be difference in rule with a private sale rather than an advertised sale which they may wish to consider if they still wish to negotiate with the Applicants about buying the Property. This is not a matter for the Tribunal.

11. The Tribunal discussed the order being superseded with the parties. Both parties were not opposed to an order being superseded.
12. The Tribunal considered that there were not sufficient grounds of reasonableness to prevent an order being granted. Especially considered that it is not being opposed. The Tribunal said that it would be reasonable to supersede the Order to 29th January 2027 to allow time for the Respondents to be rehoused by their local authority.

Findings and reason for decision

13. The Applicant is the registered owner of the Property.
14. A Private Rented Tenancy Agreement commenced 12th March 2020.
15. On 11th December 2025 the Applicants served upon the Respondents a Notice to Leave as required by the Act. Service was effected by email and the Notice became effective on 11th December 2025
16. The Notice informed the Respondents that the Applicants wished to seek recovery of possession using the provisions of the Act.
17. The Notice was correctly drafted and gave appropriate periods of notice as required by law.
18. The Notice set out one of the grounds contained within schedule 3 of the Act, namely ground 1 (that the Applicants intend to sell the Property within three months of Respondents ceasing to occupy it).
19. The Applicants now intend to sell the Property at market value or at least put the Property up for sale within three months of the Respondents ceasing to occupy it.
20. The Applicants do not want to be landlords anymore. The Applicants have now permanently relocated to Wales and find having a property so far away to be stressful. They intend to sell their other rental property once this property has been dealt with. The Property requires to be vacant before it is sold or there will be a reduction in the sale value for the Property and a reduction in the range of buyers wishing to purchase it.
21. The Respondents are not opposed to the granting of an order. The Respondent has spoken to her local authority housing department who will not rehouse them until an order for eviction has been granted. The Respondent requires further time especially as matters move to the festive period and that she has two young children aged 3 and 5 years old.
22. The Respondents have no known vulnerabilities or disabilities.
23. The Applicants are entitled to sell the Property.
24. The basis for the order for possession on ground 1 was thus established.

Reasons for the decision

25. The Order for possession sought by the Applicants was based on a ground specified in the Act and properly narrated in the notice served upon the Respondent. The Tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the Applicants were entitled to seek recovery of possession based upon that ground.
26. The Tribunal accepted the evidence presented on behalf of the Applicants with regard to their intention to sell the Property.
27. The Applicant's representative advised the Tribunal that they have permanently moved to Wales and do not wish to own rental properties so far away.
28. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on ground 12 can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.
29. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.
30. The Tribunal now has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties. This is confirmed by one of the leading English cases, **Cumming v Danson**, ([1942] 2 All ER 653 at 655) in which Lord Greene MR said, in an oft-quoted passage:

"[I]n considering reasonableness ... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusion giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong for him to exclude from his consideration matters which he ought to take into account"
31. In all the circumstances the Tribunal decided that it was reasonable to grant the order sought.
32. The Tribunal decided to exercise the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that a final order should be made at the CMD.

33. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

Decision

34. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant. The Order is superseded until 29th January 2027.

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.

Gabrielle Miller

Legal Member/Chair

7th October 2026
Date