



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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/26/0206

Re: Property at 9 Summer Road, Easy Wemyss, KY1 4QB (the Property)

Parties:

Mr Alan Jones, 4 Lothian Street, Dalkeith, EH22 1DS (the Applicant)

Professional Property Letting Limited, 200 Gorgie Road, Edinburgh, EH11 2NX (the Applicant's Representative)

Miss Jackie Robertson, 9 Summer Road, East Wemyss, KY1 4QB (the Respondent)

Tribunal Members:

Ms. Susanne L. M. Tanner K.C. (Legal Member)

Mrs. Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord is entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 15 January 2026 (the Application) in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicant's Representative lodged supporting documents with the Application, as follows:
 - 3.1. Sale Agreement dated 25 November 2025;
 - 3.2. Notice to Leave dated 20 October 2025;
 - 3.3. Email service of Notice to leave dated 20 October 2025;
 - 3.4. Private Residential Tenancy Agreement dated 15 June 2023;
 - 3.5. Section 11 Notice; and
 - 3.6. Email service of Section 11 Notice dated 15 January 2023.
4. The tribunal's administration obtained the title sheet for the Property which showed that the registered proprietor of the Property is Alan David Hamilton Jones, 41/5 Gardners Crescent, Edinburgh.
5. The tribunal's administration confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland for Fife local authority.
6. The Application was considered by a legal member of the tribunal acting with the delegated powers of the tribunal president. A further information request was sent to the Applicant's representative about title and interest to make the Application.
7. On 13 February 2026, the Applicant's Representative produced further information from Mr Alan Jones which stated: *'All our properties are owned either by myself, Alan or Anna Aitchison. Aitchison & Jones Limited is the vehicle we use to operate our portfolio of rental properties.'* An amended Form E was submitted with the Applicant details changed to Mr Alan Jones, 4 Lothian Street, Dalkeith, EH22 1DS.

8. The Application (as amended) was accepted for determination by a tribunal. All parties were notified by letters dated 13 July 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 14 August 2026 at 1400h. The Respondent was invited to make written representations in response to the Application by 3 August 2026. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers on 14 July 2026.
9. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

Case Management Discussion (CMD): 14 August 2026, 1000h, Teleconference

10. The Applicant's Representative, Ms O'Keefe, attended on behalf of the Applicant.
11. The Respondent, Miss Robertson, attended.

Submissions by Respondent

12. Miss Robertson stated that she does not oppose the Application for an eviction order being made. She stated that she has applied for alternative accommodation with the local authority. She has not yet been allocated housing. She stated that she lives in the Property on her own. She has some mobility issues. It is a ground floor property. She has asked the local authority for a ground floor property. She stated that she does not need to stay in the same area. She stated that her rent account is up to date. She stated that she understands that the usual period before an eviction order can be enforced is 30 days from the date of the order. She did not request any additional time and stated that she would like to get it over with because the process has been stressful.

Submissions by Applicant's Representative

13. Ms O'Keefe invited the tribunal to make an eviction order in the usual terms today. She stated that the Applicant is a Director of Aitchison & Jones Limited, 4 Lothian Street, Dalkeith, EH22 1DS. The company manages a portfolio of rental properties owned by its directors, including the Applicant. The Applicant gave

authority to the company to enter into a Private Residential Tenancy with the Respondent. Ms O'Keefe stated that they have already started the process of selling properties. There are around six properties left including the Property, all of which are managed by the Applicant's Representative. The properties, including the Property, are being sold with vacant possession. Once the properties are sold, the Applicant intends to stop being a landlord due to a change in financial circumstances. She stated that it is the Applicant's intention to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy it.

14. The tribunal adjourned to deliberate.

15. The tribunal makes the following findings-in-fact:

- 15.1. The Applicant is the registered proprietor of the Property.
- 15.2. The Applicant is a director of Aitchison & Jones Limited, a limited company.
- 15.3. The Applicant gave authority to Aitchison & Jones Limited to enter into a private residential tenancy agreement with the Respondent for the Property with a start date of 16 June 2023.
- 15.4. The Respondent lives in the Property on her own.
- 15.5. The Property is a ground floor flat.
- 15.6. The Property is not adapted for disabilities.
- 15.7. The Respondent has some mobility issues and her preference is for a ground floor Property.
- 15.8. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent ceasing to occupy it.
- 15.9. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.
- 15.10. Notice to Leave dated 20 October 2025 was served on the Respondent under Ground 1 of Schedule 3.
- 15.11. The Respondent continues to reside in the Property.
- 15.12. The Respondent has registered with the local authority for housing.
- 15.13. The local authority has not yet offered a suitable property to the Respondent.

Discussion

16. The Application for an order for eviction was not opposed.
17. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
18. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction.
19. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**

Date: 14 August 2026