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/26/1435

Re: Property at 8 Stewart Street, Townhill, Dunfermline, KY12 0EA ("the Property")

Parties:

Ms Elaine Hutton, East Bowershall, Bowershall, Dunfermline, Fife, KY12 0RZ ("the Applicant")

Ms Rebecca Evans, 8 Stewart Street, Townhill, Dunfermline, KY12 0EA ("the Respondent")

Tribunal Members:

Andrew Upton (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that (i) the Applicant intends to sell the Property, (ii) it is reasonable to grant an eviction order under Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016, and (iii) the Private Residential Tenancy between the parties will terminate on 26 November 2026.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 26 October 2026. The Applicant was represented by Mr Dalziel of Abbey Forth. The Respondent was not present or represented.

2. In this Application the Applicant seeks an eviction order. The Applicant claims that she wishes to sell the Property. She founds on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act").

3. At the CMD Mr Dalziel advised the Tribunal that the Applicant is in her eighties. She is in reasonable health but is looking to put her affairs in order. She no longer wishes to be a private landlord. She previously had a small letting portfolio of three properties. One has been sold already, the Property will be the next to be sold and the final one will be dealt with thereafter. The Applicant is liquidating her portfolio. Reference was made to the Applicant's daughter living in Aberdeen with her husband who is in ill-health as a catalyst for the Applicant's decision.

4. Mr Dalziel advised that the Property is a two-bedroom ground floor flat. It is approximately twenty years old. It has communal parking. The Property has not been adapted for the Respondent's use. The Respondent lives alone at the Property. The Respondent was previously in employment but has more recently been in receipt of at least some housing benefit which is paid directly to the Applicant's letting agent. The Respondent is in arrears of £2,049.43 but that is not the reason for the Application. Mr Dalziel was clear that the Application would be being pursued even if the Respondent had no arrears. There is a payment plan in place for repayment of the arrears at a rate of £49.23 per month. Mr Dalziel also indicated that the Respondent is not keeping the Property in contractually required condition, though he clarified that he meant the Property was generally unclean and not being aired rather than in damaged or dilapidated condition.

5. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 the Tribunal may do anything at a CMD that it may do at a Hearing including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes the need to avoid unnecessary delay.

6. The Respondent has been served with a copy of the Application and notice of the CMD. She has been afforded an opportunity to both lodge written representations disputing the Application and to attend the CMD to state her position to the Tribunal. She has chosen to do neither. In those circumstances, the Tribunal determined that she did not dispute the Application and, in particular, that the Applicant intended to sell the Property. In light of that, the only matter that the Tribunal requires to determine for the purposes of Ground 1 for eviction is whether it is reasonable to grant the order.

7. The Tribunal unanimously determined that it was reasonable. The Applicant is at an advanced age. She no longer wishes to be a private residential landlord. It would not be reasonable to force her to remain in that role without some other compelling reason. No such compelling reason is offered by the Respondent. She lives alone. The Property has not been adapted for her use. There was no evidence or statement before the Tribunal to suggest that it would not be reasonable to grant the eviction order.

8. Accordingly, the Tribunal determined that it should grant the eviction order. For the purposes of section 51(4) of the 2016 Act the Private Residential Tenancy between the parties will terminate on 26 November 2026.

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.

Andrew Upton

Legal Member/Chair

26/10/2026

Date