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 71 of the Private Housing (Tenancies) Scotland ("Act") 2016

Chamber Ref: FTS/HPC/EV/26/3031

Re: Property at 13 Clarke Avenue, Ayr, KA7 2XE ("the Property")

Parties:

Mr Domenico Sfregola and Mrs Julie Sfregola, residing at 20 Langcroft Avenue, Prestwick, KA9 2LY ("the Applicants")

Ms Jacqui Flynn and Mr Abu Azad Haque, residing at 13 Clarke Avenue, Ayr, KA7 2XE ("the Respondents")

Tribunal Members:

Andrew Cowan (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for eviction should be granted in favour of the Applicants.

Background

1. This is an application by the Applicant for an eviction order regarding a Private Residential Tenancy ("PRT") in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended ("the Rules"). The PRT had been granted by the Applicant to the Respondent commencing on 5th February 2025.

2. The application was dated 19th January 2026 and lodged with the Tribunal on or that date.

3. The application relied upon a Notice to Leave dated 10th October 2025 in terms of section 50 of the *Private Housing (Tenancies) (Scotland) Act 2016,* served upon the Respondents be email, all in accordance with the provisions of the

PRT. The Notice relied upon Ground 1 of Schedule 3 Part 1 of the 2016 Act, being that "the landlord intends to sell". The Notice to Leave intimated that an application to the Tribunal would not be made before 13th January 2026.

4. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served upon South Ayrshire Council on 19th January 2026 was included in the application papers.

The Hearing

5. The matter called for a case management discussion ("CMD") of the Frist-tier Tribunal for Scotland Housing and Property Chamber, conducted by remote telephone conference call, on 12th November 2026.

6. The First Named Applicant joined the call, together with the Applicants' representative, Mrs Elaine Dunlop from Homesure Portfolio Management, letting agents. The Respondents also joined the conference call.

7. At the CMD, the Applicants' representative confirmed that the application for eviction was insisted upon. She explained that the Applicants had decided to sell the property. It was explained that the Respondents had accrued rent arrears as at the date of the CMD in the sum of £25855. The Applicants had always intended to sell the Property at a future date, but the Applicants had decided to sell the property now as they could no longer afford the mortgage payments in respect of the Property. They have decided to sell the Property now as they did not consider that the ongoing rental of the property to the Respondents is financially viable. The Applicants have lodged with the Tribunal a sales agreement dated 11th August 2026, in which the Applicants have authorised Homesure Lettings and Sales to market the property for sale.

8. The Respondents confirmed to the Tribunal that he had no reason to doubt that the Applicants intended to sell the Property. The Respondents requested that, if the Tribunal granted an order for eviction, that the Tribunal consider delaying the ending of the tenancy to allow them an opportunity to find alternative accommodation and to minimise disruption for them and their young family.

9. Following a short adjournment to allow discussion between the First Named Applicant and the Applicant's representative, the Applicants proposed that, if an eviction order was granted by the Tribunal, the order would not be enforced earlier than 14th January 2027. The Respondents accepted that such a delayed enforcement was acceptable to them and that, in all the circumstances, it would be reasonable for the Tribunal to grant an order for eviction, the enforcement of which would be delayed to not earlier than 14th January 2027.

Findings in Fact

12. On 5th February 2026 the Applicants let the Property to the Respondents under a Private Residential Tenancy with commencement on that date ("the Tenancy").

13. Notice to Leave was emailed to the Respondents on 10th October 2026**.**

17. The Applicant raised proceedings for an order for eviction with the Tribunal, under Rule 109, relying in part on Ground 1 of Schedule 3 part 1 of the 2016 Act on 19th January 2026.

18. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon South Ayrshire council on 19th January 2026

20. The Applicants have instructed Homesure Lettings and Sales to market the Property for sale.

21. The Applicants intend to sell the Property.

Reasons for Decision

23. The application was in terms of rule 109, being an order for eviction of a PRT. We were satisfied on the basis of the application and supporting papers that the Notice to Leave had been competently drafted and served upon the Respondents.

24. Ground 1 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:

(1.)…the landlord intends to sell the let property.
(2.) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord –

a. is entitled to sell the let property,
b. Intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and
c. The tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(2) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example) –

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

25. The Applicants have engaged agents to sell the Property. They have entered into an agreement with Homesure Lettings and Sales as to the terms and conditions of estate agency services in connection with the property. They wish

to sell the property as they no longer consider it to be financially viable to let the property when they take into consideration rising mortgage costs and the high level of rent arrears which the Respondents have accrued. We were satisfied on the evidence that the Applicants had a genuine intention to sell the property and that Ground 1 of Ground 1 of Schedule 3 to the 2016 Act had been established. The Respondents accepted that this was the position.

26. The Tribunal also considered whether it was reasonable to issue an eviction order. There is no dispute between the parties in relation to the material facts in this case. The Respondents accepted that it would be reasonable for an eviction order to be granted, where the enforcement of such an order was delayed until on or after 14th January 2026. The Respondents accept that they have accrued significant arrears of rent due to the Applicants. The Respondents are hopeful that they will be able to raise funds to clear the arrears of rent due but are not in a position (as at the date of the CMD) to make any offer of payment towards the arrears accrued. The Respondents do not wish to make any “false promises” in that respect. The Tribunal accepted that the weight of evidence supports a finding that it is reasonable for an order of eviction to be granted. The Respondents have had notice of the landlord's intention to require possession of property for over a year. The Respondents have accrued a large and significant level of rent arrears, and the Applicants now wish to sell the Property. The Respondents cannot expect to live in the property indefinitely whilst not paying current rent in terms of the tenancy agreement between the parties. The Respondents have no reasonable or specific proposal to clear the ret arrears due.

28. In all the circumstances before us, we were satisfied that Ground 1 was established by the Applicants and reasonable to grant.

Decision

31. In all circumstances, we grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 further to ground 1 of Schedule 3 of that Act. We have determined to delay the end of the tenancy between the parties until 14th January 2027 asagreed by the parties at the CMD.

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 Cowan	**12th November 2026**
Legal Member/Chair	**Date**