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/26/1644

Re: Property at 14 Dowies Mill Lane, Cramond, Edinburgh, EH4 6DW ("the Property")

Parties:

Miss Susan Tozer, Lenimore Cottage, North Thundergay, Isle of Arran, KA27 6HP ("the Applicant")

Mr John Pritchard, 14 Dowies Mill Lane, Cramond, Edinburgh, EH4 6DW ("the Respondent")

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Tribunal determined that it was reasonable to suspend enforcement of the order until 29 May 2027

Background

1. By application dated 15 April 2026 the applicant seeks an order for eviction on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:

- Copy tenancy agreement
- Notice to leave with proof of service
- Email from DMD Law re marketing the property
- Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003

3. A case management discussion ("cmd") was assigned for 21 October 2026.
4. In advance of the cmd the respondent lodged written submissions and correspondence from Napier University.

Case management discussion – 21October 2026- teleconference

5. The applicant was represented by Mr Fortune, Letting Agent. The respondent attended on his own behalf.
6. Mr Fortune set out that the landlord had decided to sell the property due to a change in her health and personal circumstances. He stated that there had been no issues with the conduct of the tenancy. He stated that after discussions between the parties, the applicant had agreed to allow the respondent to continue to reside in the property until 29 May 2027, so that he could complete his current studies. Mr Fortune stated that an order was sought as assurance in the event that Mr Pritchard remained in the property after the agreed date of 29 May 2027.
7. Mr Pritchard stated that he did not dispute that the landlord had a genuine intention to sell the property. He stated that he was content with the agreed position, that he would continue to reside in the property until 29 May 2027. Mr Pritchard stated that he was actively looking for alternative accommodation, including with the local authority and would advise Mr Fortune if he was successful in securing accommodation in advance of the agreed date. He stated that he lived alone in the property. He is currently completing his studies with his course ending in May 2027.
8. The Tribunal took time to ensure that Mr Pritchard was aware that if he did not oppose the application an order would be granted with an enforcement date of 29 May 2027. The Tribunal explained that it was open to Mr Pritchard to defend the application should he so wish. He was clear that he did not wish to defend the application and was content to proceed on the basis of the agreement reached with the applicant.

Findings in fact and law

9. Parties entered into a private rented tenancy agreement with a commencement date of 3 October 2018.
10. Rent payable under the tenancy agreement is £525 per month.
11. The applicant is the owner of the property.
12. The applicant intends to sell the property.
13. The respondent has been actively seeking alternative accommodation.
14. The respondent does not seek to oppose an order being granted however he seeks a suspension of enforcement until 29 May 2027.
15. The applicant has no objection to enforcement being suspended until 29 May 2027.

Reasons for decision

16. Rule 17 (4) states:

> *The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

17. Rule 18 states:

> *Power to determine the proceedings without a hearing*
>
> ***18.**—(1) Subject to paragraph (2), the First-tier Tribunal—*
>
> *(a)may make a decision without a hearing if the First-tier Tribunal considers that—*
>
> *(i)having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*
>
> *(ii)to do so will not be contrary to the interests of the parties; and*
>
> *(b)must make a decision without a hearing where the decision relates to—*
>
> *(i)correcting; or*
>
> *(ii)reviewing on a point of law,*
>
> *a decision made by the First-tier Tribunal.*
>
> *(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

18. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

19. Ground 1 states:

(1)It is an eviction ground that 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.

(3)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.

20. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondent.
21. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against
22. The Tribunal noted that the respondent did not seek to oppose the order and in those circumstances found that it was reasonable to grant the order.
23. In relation to the parties joint request to vary the date of execution for an extended period to allow the respondent to complete his current studies the Tribunal determined that as parties were in agreement on this point it was reasonable to allow the agreed suspension.

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.

Mary- Claire Kelly

Legal Member/Chair **21 October 2026**
Date