



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (Act)**

**Chamber Ref: FTS/HPC/EV/24/3556**

**Parties**

**Mrs Adele Hewitt, Mr John Hewitt (Applicants)  
Ms Kimberley Scott (Respondent)**

**29 Leven Place, Irvine, KA12 9PA (House)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Elizabeth Williams (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted but that execution of the order should be postponed to 2 July 2025.**

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 5 August 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 6 August 2019;
3. Notice to Leave dated and served by email on 7 May 2024;
4. Section 11 Notice and email serving on local authority dated 3 August 2024;
5. Email from Respondent’s Representative dated 13 March 2025; and
6. Email from Applicants dated 22 March 2025.

The case was scheduled to call for a CMD by conference call on 1 April 2025. The Respondent’s Representatives emailed the tribunal on 13 March advising that the application was not opposed but seeking a 2 month delay in execution. The email was crossed over to the Applicants who agreed to the proposal.

## Decision and Reasons

The Tribunal considered the documentary evidence and agreement between the Parties.

The Tribunal had regard to the terms of Ground 1:

*Landlord intends to sell*

1(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.

In so far as material the Tribunal made the following findings in fact:

1. The Parties let the subjects under a PRTA commencing 6 August 2019;
2. Notice to Leave had been served on 7 May 2024;
3. Section 11 Notice had been served on the local authority on 3 August 2024;
4. The Applicants are the owners of the Property and intend to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it;
5. The Parties are in agreement that the order should be granted subject to a 2 month delay in execution.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances in light of the Parties' agreement.

The Tribunal determined that it was reasonable in the circumstances to grant the application for eviction and recovery of possession and to postpone execution of the order to 2 July 2025 under Rule 16A of the Tribunal Procedure Rules.

## **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.**

**Alan Strain**

**1 April 2025**

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**Legal Member/Chair**

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**Date**