



**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/24/4263**

**Re: Property at 4 Dundas Street, Bathgate, EH48 4BL (“the Property”)**

**Parties:**

**Mr Jim Hance, 10 Pinewood Drive, Dunfermline, KY11 9SP (“the Applicant”)**

**Miss Rebekah Strachan, 4 Dundas Street, Bathgate, EH48 4BL (“the  
Respondent”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Mary Lyden (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.**

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 12 September 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 31 March 2020;
3. Notice to Leave dated 13 May 2024 and served by email of the same date;
4. Section 11 Notice and email serving on local authority dated 9 September 2024;
5. Affidavit from Applicant dated 18 September 2024;
6. Written Submissions from Applicant showing financial position as at 12 May 2025.

## **Case Management Discussion (CMD)**

The case called for a CMD by conference call on 13 May 2025. The Applicant did not participate but was represented by Mr Dylan Miller, Letting Agent. The Respondent participated and represented herself.

### *The Respondent's position*

The Respondent did not seek to oppose the order for recovery of possession.

The Respondent lives in the Property along with her 9 year old daughter and 6 year old son. Both are at school locally. The Respondent works part-time.

The Respondent has been in touch with the local authority and a Housing Officer has been appointed. She has looked at private residential property but the rent would be unaffordable for her.

### *The Applicant's position*

The Applicant's position was that the Property was no longer viable, financially and he intended to sell the Property.

This was one of 2 Properties he owned.

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## **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 Property under a Private Residential Tenancy Agreement (**PRTA**) commencing 31 March 2020;
2. Notice to Leave was dated 13 May 2024 and served by email of the same date;
3. Section 11 Notice was served by email on local authority dated 9 September 2024;
4. The Applicant is the owner of the Property and intends to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it;
5. The Applicant needs to sell the Property as it is operating at a loss to him;
6. The Respondent does not oppose the order being granted;
7. The Respondent is in contact with the local authority housing department regarding rehousing;
8. The Respondent lives in the Property with her daughter aged 9 and son aged 6.

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.

The Tribunal weighed the competing interests of the Parties and determined that it was reasonable in the circumstances to grant the application for eviction and recovery of possession.

### **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

**13 May 2025**

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**Legal Member/Chair**

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**Date**