



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

**Chamber Ref: FTS/HPC/EV/24/4938**

**Re: Property at 3 Fod Street, Halbeath, Dunfermline, KY11 8EJ (“the Property”)**

**Parties:**

**Mrs Elizabeth Barclay, 3 Moubray Road, Dalgety Bay, Dunfermline, KY11 9JP  
 (“the Applicant”)**

**Miss Ashley McAllister, 3 Fod Street, Halbeath, Dunfermline, KY11 8EJ (“the  
 Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision - in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the  
 Tribunal”) determined that an eviction order should be granted against the  
 Respondent in favour of the Applicant.**

**Background**

- 1. The Applicant seeks an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A section 11 notice, tenancy agreement, Notice to leave and letter from the selling agent were submitted with the application.**
- 2. A copy of the application was served on the Respondent, and the parties were notified that a CMD would take place by telephone conference call on 12 May 2025 at 2pm. Prior to the CMD, the Respondent lodged a brief written submission which said that she had incurred rent arrears and that it was not a problem that the landlord was selling the house.**
- 3. The CMD took place on 12 May 2025. The Applicant was represented by Mr Dean. The Respondent did not participate and was not represented.**

## **Summary of Discussion**

4. Mr Dean told the Tribunal that the property had been purchased by the Applicant as a pension investment. She has now retired, and her mortgage is up for renewal, so it is now the best time for her to sell. It is her only rental property and she has a mortgage of £50000 to repay.
5. In response to questions from the Tribunal, Mr Dean said that there are currently rent arrears of £2200. However, this is not the principal reason for the application and a payment application has not been submitted. He was unable to confirm the size of the property and stated that it is thought that the Respondent lives at the property alone, although he does not know for certain. He was unable to provide the Tribunal with any other information about the Respondent. She is still living at the property and there was contact between her and the letting agent last week about a heating issue. He does not know whether there have been any communications about the tribunal application or the arrears. He concluded by stating that the Respondent has known since July 2024 that the landlord wishes to sell and stated that the Council will be obliged to provide her with accommodation if she becomes homeless.

## **Findings in Fact**

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property.
8. The Applicant wishes to sell the property as she has retired, and it was purchased as a pension investment. Her mortgage deal has also ended, and she will require to re-mortgage if the property is not sold. She owes the sum of £50000 to the lender.
9. The Applicant served a Notice to leave on the Respondent on 5 July 2025.
10. The Respondent is still resident at the property and has arrears of rent of £2200.

## **Reasons for Decision**

11. The application was submitted with a Notice to Leave dated 5 July 2024, together with a certificate of positing and track and trace report which establish that it was sent to the Respondent on that date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property.
12. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and

62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.

13. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
14. Ground 1 of schedule 3 (as amended) 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.”
15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted that the Applicant has provided valid reasons for selling the property. It was disappointing that the Applicant’s agent was unable to provide the Tribunal with any information about the Respondent, except that she is still in occupation of the property and has rent arrears. While it is not always possible for landlords to provide full details about a tenant, some of the information sought by the Tribunal should have been readily available. However, the Respondent did not participate in the CMD, and her brief written submission appeared to indicate that the application is not opposed. This lack of opposition, together with the Applicant’s reasons for selling the property, lead the Tribunal to conclude that, based on the limited information available, it would be reasonable to grant the order for eviction.
17. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 16, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

## **Decision**

18. The Tribunal determines that an eviction order should be granted against the Respondent.

## **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.**

Josephine Bonnar

**Josephine Bonnar, Legal Member**

Date: 12 May 2025