



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/24/4594

Re: Property at 56 Main Street, North Queensferry, Fife, KY11 1JG (“the Property”)

Parties:

Mrs Anne MacDonald, 11 Park Lane, Aberdour, Fife, KY3 0TN (“the Applicant”)

Lesley Mary Anne Nikora, 56 Main Street, North Queensferry, Fife, KY11 1JG (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

The CMD took place by teleconference on 9 June 2025 at 2.00 pm. The applicant was represented by Miss Natasha Connell of Martin & Co Letting Agents. The respondent was represented by Miss Magdalena Johnston of Front Line Fife.

Findings and Reasons

The property is 56 Main Street, North Queensferry, Fife KY11 1JG. The applicant is Mrs Anne MacDonald who is the heritable proprietor of the property and the registered landlord. The respondent is Ms Lesley Mary Anne Nikora. The parties entered into a private residential tenancy in respect of the property which commenced on 18 May 2022. The rent was stipulated at £550 per month.

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. This specifies that it is an eviction ground where the landlord intends to sell the let property. The relevant notice period under ground 1, at the time the notice to leave was served was one of 84 days. The notice to leave relied upon in this case is dated 4 July. There is evidence that the notice was served upon the respondent by email on the date that it is dated. Sufficient statutory notice was given.

The applicant is requires to sell the property to enable her to repay the mortgage on her principal home. She is 70 years old and has health issues which means that she cannot continue to work.

The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent does not oppose the application. She has no dependants and no known disabilities or other vulnerabilities. She requires the eviction order to enable her to obtain Council housing. A relevant Section 11 homelessness notice has been issued to the relevant local authority.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

9June 2025

Legal Member/Chair

Date

