



**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/24/3820

Property at 20B Grant Street, Inverness, IV3 8BL (“the Property”)

Parties:

Mr Roderick MacLean, Brian Main, C/O Wright Johnston & MacKenzie LLP, The Green House, Beechwood Park North, Inverness, IV2 3BL; Wellfield, Newton Kinkell, Conon Bridge, Dingwall, IV7 8AS as Executors of the late Robert Fraser More (“the Applicants”)

Mr Ciaran Wilson, Charles Robertson, 20B Grant Street, Inverness, IV3 8BL (“the Respondents”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Mary Lyden (Ordinary Member)

Decision

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

Background

- 1. The Applicants seek 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 a copy of grant of Confirmation from Inverness Sheriff Court were submitted with the application.**
- 2. A copy of the application was served on the Respondents, and the parties were notified that a CMD would take place by telephone conference call on 20 May 2025 at 10am.**
- 3. The CMD took place on 20 May 2025. The Applicant was represented by Mr Grant, solicitor. The First Respondent participated.**

Summary of Discussion

4. Mr Grant told the Tribunal that the Applicants seek to recover possession of the property in order to sell it as part of the administration of the deceased's estate. He said that the tenants have been good tenants but that the property must be sold. He stated that they have had a significant period of notice as the Notice to Leave was issued in May 2024. He invited the Tribunal to grant the application and not to order a delay in enforcement of the order.
5. Mr Wilson told the Tribunal that the application is not opposed. He and Mr Robertson have been trying to find another private let for the last year, without success. There are too few properties available. As a result, they have sought assistance from the Local Authority and hope to be provided with accommodation as homeless persons. In response to questions from the Tribunal, Mr Wilson said that he is 27 and Mr Robertson is 28. They are both in employment. No one else lives at the property with them. In the short term, while waiting to be offered permanent accommodation, they will be able to stay with family. He confirmed that they are not seeking a delay in enforcement of the eviction order.

Findings in Fact

6. The Applicants are the Executors of the owner and landlord of the property, who died in 2022.
7. The Respondents are the tenants of the property.
8. The Applicants require to sell the property as they are winding up the estate of the deceased landlord.
9. The Applicants served a Notice to leave on the Respondents on 24 May 2024.
10. The Respondents have not secured alternative accommodation but have applied to the Local Authority and are receiving assistance from a housing officer.
11. The Respondents are both in employment, do not oppose the application and will be able to stay in the short term with family while waiting to be offered permanent accommodation.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 24 May 2024 together with copy emails showing that it was sent to the Respondents 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.

13. 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.
14. 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."
15. 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."
16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicants intend to sell the property and that part 1 of ground 1 is established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted that the Applicants require to sell the property as the Landlord is deceased and his estate is to be wound up. The Tribunal also noted that, although they have not yet secured alternative accommodation, the Respondents do not oppose the application, are receiving assistance from the Local Authority and should be able to stay with family in the short term. Their lack of opposition, together with the Applicants' reasons for selling the property, lead the Tribunal to conclude that it would be reasonable to grant the order for eviction.
18. The Tribunal concludes that the Applicants have complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 17, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

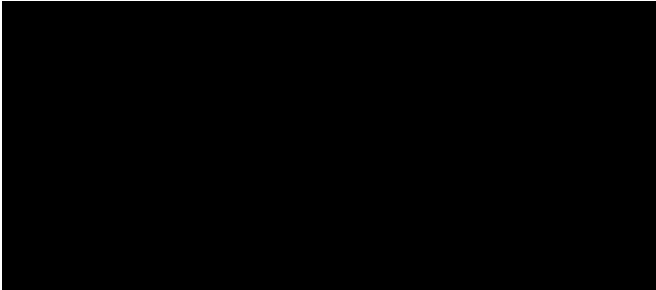
Decision

19. The Tribunal determines that an eviction order should be granted against the Respondents.

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.



20 May 2025