



**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/24/5516

Re: Property at 11 College Street, Buckhaven, Fife, KY8 1JY (“the Property”)

Parties:

Mrs Deirdre Jablonska, Mr Derek Jablonski, Mr Neil Jablonski, 17 Woodside Walk, Glenrothes, Fife, KY7 5DT; 17 Woodside Walk, Glenrothes, Fife, KY7 5DT; C/O 17 Woodside Walk, Glenrothes, Fife, KY7 5DT (“the Applicants”)

Mrs Elspeth White, Miss Ruth White, 11 College Street, Buckhaven, Fife, KY8 1JY (“the Respondents”)

Tribunal Members:

Jim Bauld (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 the order for possession should be granted

Background

1. By application dated 28 November 2024, the applicants sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 27 December 2024 the application was accepted by the tribunal and referred for determination by the tribunal.

3. A Case Management Discussion (CMD) was set to take place on 23 June 2024 and appropriate intimation of that hearing was given to both the landlord and the tenants.

The Case Management Discussion

4. The Case management discussion took place on 23 June 2025. The applicants were not in attendance but were represented by Ms McAndie of Innes Johnston solicitors, Glenrothes. The respondents were both initially present..
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters. Mrs Elspeth White indicated that she was no longer living in the property and was content to allow Ms Ruth White to deal with the case management discussion.
6. The tribunal asked various questions of the parties with regard to the application
7. The applicants' representative confirmed that she wished the order sought to be granted and the respondent confirmed that she was not opposed to the order being granted.

Findings in fact

8. The applicants and respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 20 July 2020.
9. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016. ("the Act")
10. The agreed rental was £415 per month.
11. On 1 July 2024 the applicant served upon the tenant a Notice to Leave as required by the Act. The Notice was served personally upon the respondents and became effective on 26 September 2024.
12. The notice informed the respondents that the landlord wished to seek recovery of possession using the provisions of the Act.
13. The notice was correctly drafted and gave appropriate periods of notice as required by law.
14. The notice set out a ground contained within schedule 3 of the Act, namely ground 1 that the landlord intended to sell the let property

Reasons for the decision

15. The order for possession was sought by the landlord on a ground specified in the act and properly narrated in the notice served upon the tenant.
16. The tribunal was satisfied that the notice had been served in accordance with the terms of the act and that the landlord was entitled to seek recovery of possession based upon that ground.
17. The tribunal accepted the unchallenged evidence of the landlords that they intend to sell the property. The tribunal accepted the evidence that the tenants do not oppose the granting of the order. Ms Ruth White provided details to the tribunal of her current circumstances and her wish to obtain alternative accommodation which would be more suitable for her and her child.
18. The ground for eviction was accordingly established.
19. The ground for eviction under which this application was made is the ground contained in paragraph 1 of schedule 3 of the 2016 Act. The ground is that the landlord intends to sell the let property. When the 2016 Act was originally passed, that ground of eviction was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
20. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact
21. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
22. The tribunal finds that it is reasonable to grant the order.
23. The tribunal accepts that the landlords are entitled to sell the property and wishes to do so. The tribunal accepts that the tenants are not opposed to the sale of the property. Mrs Elspeth White has confirmed she no longer resides in the property. Ms. Ruth White indicated to the tribunal that the property is no longer suitable for her needs or those of her child owing to a variety of medical issues. She has sought assistance from the local council to obtain accommodation that is more suitable. She has been told that she will have appropriate medical and homelessness points to be allocated alternative accommodation. The council's homelessness prevention team have effectively advised the remaining tenant, Ms. Ruth White that she will not obtain that assistance unless an eviction order is granted thus triggering specific statutory duties under the Housing (Scotland) Act 1987. The granting of the order will therefore ultimately (and almost counter intuitively) benefit the tenants in their attempts to obtain accommodation that is more suitable.

24. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made at the CMD

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.



Legal Member/Chair

23 June 2025

Date