



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

Chamber Ref: FTS/HPC/EV/24/5629

Re: Property at Lower Left Flat Ladyburn Villa, Bruce Terrace, Kinghorn, Burntisland, Fife, KY3 9TH (“the Property”)

Parties:

Mr George Armit, 52 Meldrum Crescent, Burntisland, Fife, KY3 0JL (“the Applicant”)

Mr Alex Paterson, Ms Amanda Thomson, Lower Left Flat Ladyburn Villa, Bruce Terrace, Kinghorn, Burntisland, Fife, KY3 9TH (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and James Battye (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 4 December 2024 the applicant seeks an order for eviction, relying on ground 1 (landlord intends to sell) in Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to Leave with proof of service
 - Letter from the respondents
 - Estate Agency Agreement
 - Home Report
 - Notice under section 11 of the Homelessness Etc. (Scotland) Act 2003.

3. A case management discussion (“cmd”) was assigned for 19 June 2025.

Case management discussion (“cmd”) – 19 June 2025 – teleconference

4. The applicant was represented by Ms McAndie, solicitor Innes Johnston LLP. Both respondents were in attendance.
5. Ms McAndie sought an order for eviction. She stated that the applicant had purchased the Let Property from his mother as an investment. The applicant’s personal circumstances have changed since the time of purchase of the property. He now required a larger family home and sought to sell the property to release his capital in order to be able to purchase a suitable family home for himself, his partner and their children.
6. The respondents confirmed that they did not seek to oppose the application. They stated that they have been in discussion with Fife Council for some time regarding re-housing. Fife Council have advised that them that assistance will be provided after an eviction order is granted. Both respondents are in their 50s and have medical conditions which impact on their day to day activities. They seek the security of social housing given their age and personal circumstances.

Findings in fact and law

7. Parties entered into a private rented tenancy agreement with a commencement date of 10 August 2014.
8. The applicant is the owner of the property.
9. The applicant intends to sell the property.
10. The respondents do not wish to oppose the application.
11. The respondents have an active housing application with Fife Council.
12. It is reasonable to grant an order for eviction.

Reasons for the decision

13. Ground 1 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.

(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.

14. The Tribunal accepted the documentary evidence that had been submitted that showed that the applicant intended to sell the property. This was not disputed by the respondents.
15. In relation to whether it was reasonable to grant the order the Tribunal gave weight to the personal circumstances of the applicant and the reasons given for his decision to sell the property.
16. The Tribunal took into account that there was an active local authority housing application for the respondents which may provide alternative accommodation at the end of the current tenancy. The Tribunal gave significant weight to the lack of opposition to the application by the respondents.
17. Taking the above factors into account the Tribunal was persuaded that on balance it was reasonable to grant an order for eviction in favour of the applicant.

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.

Mary-Claire Kelly

Legal Member/Chair

19 June 2025
Date