

**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 (Act)**

Chamber Ref: FTS/HPC/EV/25/0090

Re: Property at 66 Meldrum Crescent, Burntisland, Fife, KY3 0JL (“the Property”)

Parties:

**Mr Lee David Lawson, Balwearie Mill House, Windygate, Kirkcady, KY2 5UL
 (“the Applicant”)**

**Ms Claire Johnson, 66 Meldrum Crescent, Burntisland, Fife, KY3 0JL (“the
Respondent”)**

Tribunal Members:

Alan Strain (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application for eviction and recovery of
possession be granted but that execution of the order should be postponed to
16 October 2025.**

This is an application under Rule 109 and section 51(1) of the Act in respect of the
Applicants’ intention to sell the Property and for eviction and recovery of possession
on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 10 January 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 12 August 2019;
3. Notice to Leave served personally on 8 August 2024;
4. Section 11 Notice and email serving on local authority dated 7 January 2025;
5. Home Report dated 27 September 2024; and
6. Email from Respondent Representative with written submissions dated 1 May
2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 16 July 2025. The Applicant did not participate and was represented by Mr Livingston of Landlord Services. The Respondent did not participate and was represented By Ms Lubanska of Frontline Fife.

The Respondents' position

The Respondent did not seek to oppose the order for recovery of possession but due to her personal circumstances sought further time to obtain alternate accommodation. She has been in contact with the local housing department.

The Respondent has children aged 13 and 11 who reside with her and who have Autism.

The Respondent herself has ADHD.

The Applicant's position

The Applicant's position was that he had an offer on the table to purchase the Property. He is a self-employed plumber and this is his only letting property. He is selling in order to realise the funds to expand his business and employ 2 apprentices.

Discussion

In discussion with the Parties both agreed that if the order were granted it would be reasonable to postpone execution until 16 October 2025. The Tribunal took time to explain the time frames and the mechanics of enforcement of an order.

Decision and Reasons

The Tribunal considered the documentary evidence and the Parties' respective positions.

The Tribunal had regard to the terms of Ground 1:

Landlord intends to sell

1(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.

In so far as material the Tribunal made the following findings in fact:

1. Private Residential Tenancy Agreement (**PRTA**) commencing 12 August 2019;
2. Notice to Leave served personally on 8 August 2024;
3. Section 11 Notice was served by email on local authority dated 7 January 2025;
4. The Applicant had instructed a Home Report dated 27 September 2024;
5. The Applicant is the owner of the Property and intends to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it. He has an offer on the table to purchase the Property;
6. The Respondent did not oppose the order being granted;
7. The Respondent is in contact with the local authority housing department and lives in the Property with her children aged 13 and 11 who have Autism;
8. The Respondent has ADHD.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal weighed the competing interests of the Parties and determined that it was reasonable in the circumstances to grant the application for eviction and recovery of possession and to postpone execution of the order to 16 October 2025 under Rule 16A of the Tribunal Procedure Rules.

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.

A. Strain

16 July 2025

Legal Member/Chair

Date

