

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/4533

Property : 19 Roseberry Crescent, Gorebridge EH23 4JR (“Property”)

Parties:

Keith Reynolds, 7 Foresters View, Tranent EH33 1DE (“Applicant”)

Isabella Tait, 19 Roseberry Crescent, Gorebridge EH23 4JR (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Ann Moore (Ordinary Member)

Decision

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

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 1 July 2021; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 12 March 2024 ("Notice to Leave"); acknowledgement of receipt signed by the Respondent dated 12 March 2024; email from the Applicant stating his intention to sell the Property; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email. A Case Management Discussion (“CMD”) was fixed for 3 July 2025. The Application was served on the Respondent by sheriff officer on 2 April 2025.

Case Management Discussion

A CMD took place before the Tribunal on 3 July 2025 by teleconference. The Applicant was in attendance as was the Respondent. The Respondent told the Tribunal that she did not oppose the application. She said she had lived in the Property for 25 years. She said that she lives alone. She said that she is in full time employment and that her two children are now adults with their own homes. She said that she had been in touch

with the local authority who had told her not to move out of the Property until an eviction order was granted. She said that she had no illnesses or disabilities and there had been no adaptations to the Property. She said she did not have a lot of “points” to assist with her housing application but she had been told that once an eviction order was granted her points would increase.

The Applicant told the Tribunal that he inherited the Property and did not want to be a landlord. He said that he intended to sell the Property. he said he had lost a lot of work during the covid pandemic and needed the money that a sale would produce.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement for the Property which commenced on 1 July 2021.
2. A Notice to Leave was served on the Respondent by personal delivery by the Applicant on 12 March 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 5 June 2024.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, the Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was an email from the Applicant stating his intention to sell once vacant possession was obtained.

The Tribunal considered the question of reasonableness as set out in the documents lodged and the oral submissions from the Applicant and the Respondent. In all the circumstances, and in the absence of opposition by the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

Joan Devine

Legal Member:

Date: 3 July 2025