

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/25/0143

Re: Property at 94 Burnbrae Road, Bonnyrigg, EH19 3FS (“the Property”)

Parties:

Mr Kevin Greig, 68 Bairds Way, Bonnyrigg, EH19 3NT (“the Applicant”)

Miss Vicky Dickson and Mr Thomas Scobbie, both 94 Burnbrae Road, Bonnyrigg, EH19 3FS (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Sara Hesp (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondents.

Background

1. By application dated 13 January 2025, the Applicant sought an Eviction Order against the Respondents under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 1 August 2021 at a rent of £750.15 per month, a Notice to Leave dated 15 August 2024 advising the Respondents that an application to the Tribunal under Ground 1 would not be made before 11 November 2024, and a letter, dated 15 November 2024 from Deans solicitors and estate agents, Edinburgh to the Applicant, confirming that the Applicant had contacted them on 3 September 2024 with a view to marketing the Property and that, in response, they had instructed a Home Report which was completed and published on 12 September 2024. The Applicant also provided a copy of an email of 9 November 2024 from the

Respondent Mr Scobbie to the letting agents acting for the Applicant, Five Management, Edinburgh, in which Mr Scobbie recognised that the matter was stressful for everyone involved, but that the Respondents had to think about settling long term, as their children start high school and nursery. They had taken legal advice and had spoken with the local authority, who had told them they would not help to rehouse them until they had an eviction date.

3. On 17 June 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 2025. The Respondents did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 6 August 2025. The Applicant and both Respondents were present.
5. The Applicant told the Tribunal that he was in full time employment until June 2024, but that he had been made redundant. This changed his financial position and he can no longer afford to keep the Property. He does not own any other rented properties.
6. The Respondents told the Tribunal that they did not oppose an Eviction Order. They require it in order to be rehoused by Midlothian Council. They have a meeting arranged with the Council on the following day to discuss options. They did not think that delaying the enforcement date of the Order by a short period would improve their prospects of being rehoused.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts.

10. The Tribunal was satisfied, from the information provided at the Case Management Discussion and the letter from the solicitors and estate agents, that the Applicant intends to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.

11. The Tribunal noted that the Applicant requires the Property back in order to sell it as he can no longer afford to keep it and that the Respondents wished the Order to be made, as, without it, the local authority would not help them. Having considered carefully all the evidence before it and having regard to the interests of both Parties, the Tribunal decided that it would be reasonable to issue an Eviction Order.

12. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

6 August 2025
Date