



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/25/0268

Re: Property at 17 Castle Avenue, Port Seton, Prestonpans, East Lothian, EH32 0EL (“the Property”)

Parties:

Ms Isobel Kinross, Ms Sandra Anderson, 3 Forth View, Cope Lane, Port Seton, Prestonpans, East Lothian, EH32 0DP (“the Applicants”)

Ms Courtney Broadfoot, Mr Nicholas Teather, 17 Castle Avenue, Port Seton, Prestonpans, East Lothian, EH32 0EL (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member) and David Fotheringham (Ordinary Member)

Decision (in absence of the second- named Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondents, who occupy the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 10am on 11 August 2025, by teleconference. The Applicants were represented on the call by Ms Lynsey Burr of DJ Alexander. The first-named Respondent was on the call and was represented by Ms Eva Alexander of Citizens Advice Scotland. The second-named Respondent was not on the call or represented.

The application and notice of the CMD were served on the Respondents by sheriff officers on 27 June 2025. The first-named Respondent indicated that the second-named Respondent had already vacated the Property. The Tribunal was therefore satisfied that he was aware of the CMD and had chosen not to oppose the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicants let the Property to the Respondents in terms of a private residential tenancy agreement with a start date of 20 February 2023.
2. On 23 September 2024, the Applicants' agent e-mailed a notice to leave to the Respondents, stating that they would rely on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
3. The Applicants are the owners of the Property.
4. The Applicants intend to sell the Property for market value, or at least put it up for sale, as soon as the Respondents cease to occupy it.
5. The Applicants wish to retire from acting as landlords and realise the capital value of the Property.
6. The second-named Respondent has already ceased to occupy the Property.
7. The first-named Respondent has recently given birth to twins and is still recovering from that delivery.
8. The first-named Respondent has been told by the local authority that she will be re-housed no later than the end of September 2025; but has not been given any specific date for that.

- Reasons for Decision

9. Ground 1 is established here and, in particular, it is reasonable for the order to be granted. The first-named Respondent's opposition to the order being granted was, in effect, limited to a request that it not be enforceable any earlier than the end of September 2025. Given that she has been assured she will be rehoused by then, the Tribunal considered it was reasonable to grant the order, on that basis.

- Decision

Eviction order granted.

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.

Nairn Young

11.08.2025

Legal Member/Chair

Date