

**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/EV/25/0355

Property at 13 Ashgrove Place, Elgin, IV30 1UJ (“the Property”)

Parties:

Keith Edmunds, 10 Abertay Street, Broughty Ferry, Dundee, DD5 2QS (“the Applicant”)

Renata Jaworska, 13 Ashgrove Place, Elgin, IV30 1UJ (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

- 1. The Applicant seeks an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A section 11 notice, tenancy agreement, Notice to leave and evidence of the intention to sell were lodged with the application.**
- 2. A copy of the application was served on the Respondent, and the parties were notified that a CMD would take place by telephone conference call on 21 August 2025 at 2pm.**
- 3. The CMD took place on 21 August 2025. The Applicant was represented by Mr Deane. The Respondent participated. An interpreter was also in attendance, as requested by the Respondent.**

Summary of Discussion

4. Ms Jaworska told the Tribunal that the application is not opposed. She said that it doesn't matter where she lives and she is struggling to afford the property as the Applicant keeps increasing the rent. She has applied to the Council to be re-housed, and they have indicated that she will not be offered anything until the Tribunal has issued a decision. In response to questions from the Tribunal, Ms Jaworska said that she wanted a decision to be made by the Tribunal at the CMD and did not require time to obtain advice. She stated that she lives at the property alone and is in employment. The house has not been adapted. The rent is currently £650 and keeps increasing. Ms Jaworska also confirmed that she did not want the Tribunal to order a delay in enforcement of the eviction order.
5. Mr Deane told the Tribunal that the Applicant had a stroke in 2023 and has significant health issues since that time. He is 68 years of age and is retired. The property is his only rental and is a source of stress. He wants to sell it and cease being a landlord. The sale proceeds will be used to pay off the mortgage over the property and top up his pension fund.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property and lives there alone. She is in employment.
8. The Applicant intends to sell the property because he is in poor health, has retired and wants to cease being a landlord
9. The Applicant served a Notice to leave on the Respondent 3 May 2024.
10. The Respondent does not oppose the application and is hoping to be re-housed by the Local Authority

Reasons for Decision

11. The application was submitted with a Notice to Leave dated 3 May 2024 together with an email which establishes that it was sent to the Respondent on the same date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 30 July 2024.

12. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
13. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
14. Ground 1 of schedule 3 (as amended) 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."
15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.
16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent does not oppose the application. The property has become unaffordable due to rent increases, and she has approached the Local Authority for re-housing.
 - (b) The Respondent lives at the property alone and is in employment.
 - (c) The Applicant intends to sell the property as he is in poor health, is retired and wants to cease being a landlord.
17. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 16 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

18. The Tribunal determines that an eviction order should be granted against the Respondents.

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.

Josephine Bonnar

Josephine Bonnar, Legal Member

21 August 2025