



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/25/0112

Re: Property at 22 Kirkland Walk, Methil, Fife, KY8 2AA (“the Property”)

Parties:

Mr Alan Convery, 12 Elizabeth Street, Croydon, Victoria, Australia (“the Applicant”)

Mr Alan Murray, 22 Kirkland Walk, Methil, Fife, KY8 2AA (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application received in the period between 13th January and 31st March 2025 whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 2nd August 2018 at a monthly rent of £450, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 22nd August 2025.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 9th October 2025. Mrs Beverley McCrostie was in attendance on behalf of the Applicant. The Respondent was in attendance and supported by Mrs Amy Murray.

4. Mrs McCrostie said the Applicant lives abroad. He has a portfolio of properties and no longer wishes to be a landlord. He is intending to sell all his properties and has already sold one property. The Applicant is elderly and feels that being a landlord is getting too much for him. The Applicant wishes to move on from being a landlord. The Respondent is in arrears of rent in the sum of £5001.95. This has not helped the situation as far as the Applicant is concerned. There is a shortfall between Universal Credit payments and the monthly rent, which is now £595.
5. The Respondent said he and his wife live with their three young children in the Property. The children are three, seven and nine. There are no health issues of which the Tribunal should be aware. The Respondent and his wife have been in contact with the local authority. They were informed that the local authority would await the outcome of the CMD before making a decision on social housing. Initially, the Respondent had been told they would not be assisted, due to the rent arrears, but that position seems to have changed. The Respondent said he would prefer to be living in social housing and wishes to leave the Property and have the whole ordeal over with. He said he is no longer happy in the Property. As long as the family has somewhere to go, they would be happy to move out. The Tribunal explained that they have no role in rehousing the family, and that this was a matter for the local authority.
6. The Tribunal explained the options open to it at the CMD, and offered the Respondent a short adjournment to discuss matters with his wife. The Respondent was satisfied that he and his wife had fully considered matters without an adjournment, and said they would like the Tribunal to grant an order, as they just wanted to get it done and dealt with.
7. Mrs McCrostie said the Applicant would not want to cause any distress to the Respondent and would work with him and his family to assist in the process of moving on.
8. The Tribunal urged the Respondent to take advice on his benefit position and rent arrears.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 2nd August 2018.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.

- (iv) The Applicant is entitled to sell the Property.
- (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant no longer wishes to be a landlord due to his age and the fact that he lives abroad. The Applicant is selling his property portfolio in order to move on from being a landlord.
13. The Tribunal took into account the fact that there are three young children in the Property, however, the Respondent does not wish to remain in the Property. He and his wife are actively seeking social housing and hope that a decision in terms of housing will be made if an order is granted. The Tribunal took into account the issue of rent arrears when assessing reasonableness. Although this was not a ground of eviction, the arrears are substantial and rising and may suggest the tenancy is not sustainable.
14. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order for a period of six weeks, particularly considering the fact there are three young children in the Property.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 24th November 2025.

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.

Helen Forbes

Legal Member/Chair

9th October 2025
Date