



**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/25/1277

Re: Property at 19 Hughes Crescent, Mayfield, Dalkeith, EH22 5LX ("the Property")

Parties:

Mr Alan Beveridge, 20 Park Road, Bonnyrigg, Midlothian, EH19 2AW ("the Applicant")

Mr Darren Samuel and Ms Charley Gibb, both of 19 Hughes Crescent, Mayfield, Dalkeith, EH22 5LX ("the Respondents")

Tribunal Members:

Gillian Buchanan (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

At the Case Management Discussion ("CMD") which took place by telephone conference on 1 October 2025 the Applicant was in attendance and was represented by his wife, Mrs Vicky Beveridge. The Respondents were also present.

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

Background

The Tribunal noted the following background:-

- i. The Applicant leased the Property to the Respondents in terms of a Private Residential Tenancy ("the PRT") that commenced on 1 November 2024.
- ii. On 21 February 2025, the Applicant served on the Respondents by email a Notice to Leave requiring the Respondents remove from the Property by 25 March 2025. The Notice to Leave was issued on the ground that the Property requires to be sold.
- iii. The application is dated 23 May 2025 and proceeds on the basis that the Applicant intends to sell the Property.

The CMD

At the Applicant's wife made the following oral submissions:-

- i. The Applicant still seeks an eviction order.

- ii. The whole situation has arisen due to the Applicant and his wife's landlord passing away. The son of the late landlord does not wish to be a landlord and the property they occupy at 20 Park Road is therefore to be sold as part of the winding up of the late landlord's estate.
- iii. Rents are very high.
- iv. The Applicants therefore want to buy a property to live in.
- v. There is a mortgage on the Property but there is substantial equity which requires released for the Applicant and his wife to buy elsewhere. They have put an offer in on another house but will be subject to the second home tax if they purchase without the Property being sold first. They are taking financial advice.
- vi. The Applicant and his wife live with their 16 year old son.
- vii. The Notice to Leave served on the Applicant and his wife expires at the end of the month. Tribunal proceedings may follow but they are hoping to resolve the position by agreement with the landlord's executors.
- viii. They will be happy to give the Respondents some flexibility in their removal from the Property.

The Respondents made the following oral submissions:-

- i. They require an eviction order to be granted in order for their housing application to Midlothian Council to progress.
- ii. They live in the Property with their two children aged 5 years and 7 months.
- iii. The Property has 2 bedrooms plus a box room.
- iv. The Respondents' elder child suffers from ADHD and the children cannot be left alone together as a result of which the Council has accepted they need a three bedroomed house.
- v. The First Respondent works full-time.
- vi. The Second Respondent is on maternity leave.
- vii. They want their application to the Council for housing to be progressed so they can settle elsewhere.
- viii. They have not considered renting again in the private sector.

Reasons for Decision

The application proceeds upon Ground 1 of Schedule 3 of the 2016 Act.

Ground 1 of Schedule 3 of the 2016 Act 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.*
- (3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—*
 - (a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,*
 - (b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market."*

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a), being the heritable proprietor thereof.

Sub-paragraph 2(b) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon a Terms of Business letter from Deans, Solicitors, Edinburgh dated 16 April 2025 in terms of which that firm agree to market the Property for sale. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(b).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(c). The Tribunal took into account the following:-

- i. There is no opposition to the grant of the eviction order.
- ii. The granting of the eviction order will allow the Respondents to secure alternative accommodation from Midlothian Council.
- iii. The Applicant and his wife have been served with a Notice to Leave the property in which they live due to their landlord having passed away.
- iv. The wish to use the equity in the Property to but their own home.

Having regard to the above the Tribunal decided it is reasonable to grant the eviction order and determined to do so.

Decision

The Tribunal granted an eviction order against the Respondents in favour of the Applicant.

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.

Gillian Buchanan

Legal Member/Chair

1 October 2025
Date