



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/25/0898

Re: Property at 23 Station Gate, Darvel, KA17 0AT (“the Property”)

Parties:

Mr Steve Lampshire, 6 Margaret Rose Loan, Fairmilehead, Edinburgh, EH10 7EQ (“the Applicant”)

Miss Lisa Johnston, 23 Station Gate, Darvel, KA17 0AT (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it could decide the application without a Hearing and that it was reasonable to issue an Eviction Order against the Respondent.

Background

1. By application dated 28 February 2025, the Applicant sought an Eviction Order against the Respondent 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 11 June 2020 at a rent of £550 per month, a Notice to Leave dated 15 November 2024 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 15 February 2025, and an email from the Applicant to his letting agents, Lomond Homes, instructing them to serve notice on tenants of 5 other properties. He subsequently provided a Letter of Engagement with fee quote from Lomond Homes, estate agents, signed by the Applicant on 14 April 2025, which followed an email from the Applicant to Lomond Homes of 4 April

2025 advising them that he needs to sell the Property but requires it to be tenant-free in order to enable a sale.

3. On 21 August 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 September 2025. The Respondent did not make any written representations to the Tribunal.
4. On 26 September 2025, the Applicant's solicitors provided the Tribunal with a Rent Statement showing arrears of £4,530 as at 11 May 2025, with no rent having been paid since a payment of £110 on 31 December 2024, a Mortgage Statement showing a balance as at 30 September 2024 of £57,241.68, confirmation of insurance renewal costing £249.09 on 23 July 2025 and of Legal Expenses Insurance at 22 July 2025, the premium being £160.08

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 8 October 2025. The Applicant was represented by Miss Millie Archibald of Wallace Hodge Solicitors, Ayr. The Respondent was not present or represented.
6. The Applicant's representative told the Tribunal that the Applicant's wish to sell the Property was part of a larger picture in that he wishes to exit the private lettings market. In relation to the particular Property, the Respondent's rent arrears now stand at £6,730 and the uncertainty and inconsistency of rental income is impacting him financially. Miss Archibald understood that the Respondent lives with two children aged 10 and 8 and, whilst the Applicant is unaware of any specific disabilities or vulnerabilities of the Respondent, who has not asked for any adaptations to be made to the Property, he understands she is in receipt of Universal Credit and Disability Allowance and that she does not work. The Applicant's letting agents have been in correspondence with the Respondent regarding rent arrears and access for necessary safety inspections and certification, and she has told them that she is actively looking for alternative accommodation in the Darvel area with a view to moving as soon as possible. She indicated this in an email as recently as 18 August 2025.

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. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.
10. The Tribunal was satisfied from the evidence provided by the Applicant and the estate agents' Letter of Engagement, accepted and signed by the Applicant, that he 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 wishes to exit the rental market and that he has instructed his letting agents to serve notice on tenants of 5 other properties that he owns. In addition, the Respondent has paid no rent since 31 December 2024, and the arrears now stand at £6,730. The Applicant has to meet his monthly mortgage payments, insurance premiums and the cost of ongoing maintenance and repair with no rent coming in. The Respondent has not made any representations to the Tribunal or provided any evidence or information that she would like the Tribunal to take into account in considering whether it would be reasonable to issue an Eviction Order against her. The Tribunal also noted that the Respondent has indicated to the letting agents that she is actively seeking alternative accommodation in the Darvel area.
12. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.
13. 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

8 October 2025
Date