

Housing and Property Chamber
First-tier Tribunal for Scotland



**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/25/0467

Re: Property at 9 (1F4) Gibson Terrace, Edinburgh EH11 1AU (“the Property”)

Parties:

Mrs June Mitchell, 46 Long Craigs, Port Seton, East Lothian EH32 0TS

Ms Catherine McIntosh, 9 (1F4) Gibson Terrace, Edinburgh EH11 1AU (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Gordon Laurie (Ordinary Member)

Background

1. By application dated 4 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 18 September 2020 at a rent of £600 per month, and a Notice to Leave dated 5 November 2024 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 1 February 2025. The Applicant also provided the Tribunal with copies of a letter of engagement with Warners, solicitors, Edinburgh in respect of the conveyancing related to a proposed sale to her daughter and a valuation from D M Hall, chartered surveyors, Edinburgh, providing a market valuation with vacant possession of £155,000 at 6 December 2024. She also supplied personal financial information, namely mortgage, bank and credit card statements that indicated that she might be experiencing financial pressures.
3. On 16 September 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 7 October 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 28 October 2025. Both Parties were present.
5. The Applicant told the Tribunal that she has agreed to sell the Property at market value to her daughter, who has secured a mortgage in principle. She confirmed that she does not own any other rental properties and that selling the Property will enable her to clear her feet financially, when her mortgage and other debts are paid off and Capital Gains Tax is paid on the sale. The Respondent told the Tribunal that she lives alone, that she has some health problems for which she is receiving treatment, and that she has been in touch with the local authority regarding her potential homelessness. She has been bidding for properties and is not opposing the Eviction Order, as it will give her additional points in her application to be rehoused by City of Edinburgh Council.
6. The Tribunal Members asked the Parties whether a short extension to the date on which any Order could be enforced would be acceptable to the Applicant and beneficial to the Respondent and they agreed that it would.

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 comments of the Applicant at the Case Management Discussion and the written evidence provided by her, including

the conveyancing solicitors' letter of engagement, that the Applicant intends to sell the Property and, from the valuation, that she intends to sell it for market value. 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 Respondent is not opposing the application for an Eviction Order, that she has no dependants living with her and that she has been in communication with the local authority regarding being rehoused. The Tribunal was satisfied that the Applicant feels she has to sell the Property to put her finances back on a level footing. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.

12. The Tribunal decided that the Eviction Order should not be enforceable until 19 January 2026, to allow the Respondent to progress discussions with the local authority in the hope that she may be able to be rehoused on a permanent basis.

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:

Date: 28th October 2025