

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/25/1859

Property : 21 Attadale Road, Inverness, Highland IV3 5QH (“Property”)

Parties:

Audrey Moncrieffe Ellison, Wyvis View, Muirton, Inverness IV3 8QZ (“Applicant”)

Bannatyne Kirkwood France & Co, 16 Royal Exchange Square, Glasgow G1 3AG (“Applicant’s Representative”)

Erin Melissa Paterson and Joshua Liam Tippet, 21 Attadale Road, Inverness, Highland IV3 5QH (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 11 July 2023; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 28 January 2025 (“Notice to Leave”) with covering email dated 28 January 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and a copy letter from Your Move dated 21 January 2025 regarding the sale of the Property. A Case Management Discussion (“CMD”) was fixed for 12 November 2025. The Application was served on the Respondent by sheriff officer on 3 October 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 12 November 2025 by teleconference. The Applicant was represented by Alexandra Woolley of the Applicant’s Representative. Erin Paterson of the Respondent was in attendance.

Ms Paterson told the Tribunal that Mr Tippet no longer lives in the Property. She said that she lives there with her two children aged 1 and 5. She said that her 5 year old son attends a local school and has autism. She said that she requires to stay in the Inverness area so that her son does not have to change school. She said that she applied to Highland Council for housing in January 2025. She said that as she was given a date for this CMD, the Council had arranged a meeting with her to discuss options. The meeting is at 4pm today. Ms Paterson said that she does not oppose the grant of an order for possession of the Property.

Ms Woolley told the Tribunal that the Applicant is in her late 60s and is retired. She and her husband own 6 rental properties aside from the Property. They depend on the rental income. Ms Woolley said that the Applicant wishes to sell as she wishes to relocate to South West England to be near extended family. Ms Woolley said that the Applicant is also selling her family home to finance the purchase of a property in England. She said that the Applicant wishes to sell the Property as opposed to any of the other rental properties as only the Property is of sufficient value, when combined with the value of her own home, to facilitate a purchase in England.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 11 July 2023.
2. A Notice to Leave was served on the Respondent by email on 28 January 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 25 April 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Reasons for the Decision

In terms of section 51 of the Act, 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 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was a copy letter from Your Move dated 21 January 2025 regarding the sale of the Property.

The Tribunal considered the question of reasonableness. In all the circumstances, and in the absence of opposition from the Respondent, the Tribunal determined that it was reasonable to grant an order for possession of the Property.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

Joan Devine

Joan Devine
Legal Member

Date : 12 November 2025