

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/25/1932

Property : 7 Dee Place, Dunfermline KY11 4NF (“Property”)

Parties:

David Finlayson, 20 Fordell Bank, Dalgety Bay, Dunfermline Fife KY11 9NP (“Applicant”)

Abbey Forth, Laich House, 5 Castle Court, Carnegie Campus, Dunfermline KY11 8PB (“Applicant’s Representative”)

Sharlene Vincent, 7 Dee Place, Dunfermline KY11 4NF (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property but to delay enforcement of the Order until 10 March 2026.

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 1 June 2023; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 11 December 2024 ("Notice to Leave") with covering email dated 11 December 2024; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email and letter from Abbey Forth dated 4 December 2024 confirming their instruction to sell the Property. A Case Management Discussion (“CMD”) was fixed for 10 November 2025. The Application was served on the Respondent by sheriff officer on 30 September 2025. On 19 October 2025 the Respondent lodged a written representation in which she stated that she had not signed the tenancy agreement lodged and that it was not reasonable to grant an order for possession of the Property.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 10 November 2025 by teleconference. The Applicant was represented by Stuart Dalziell of the Applicant’s Representative. The Respondent was in attendance and was accompanied by her partner Michael Gardiner.

Ms Vincent told the Tribunal that a company called GH Management (“GH”) based in Newcastle had taken over management of the Property in 2018 and her impression was that they had bought the Property. She said they gave her a private residential tenancy (“PRT”) for the Property which was sent to her by email. She said the rent remained at £600 per month. She said that had been the rent since 2013. She said that in 2023 the Applicant appeared at her door and told her he was still her landlord. She said that Stuart Dalziell of the Applicant’s Representative also introduced himself to her at that time. She said she could not recall receiving a new PRT. She said that the next document she received was the Notice to Leave. She said that the Applicant spoke to her and explained he wished to sell and was struggling to continue to be a landlord. She said she understood what the Notice to Leave meant. She said she understood that she occupied the Property in terms of a PRT. The only difference between the one lodged and the one she thought governed her tenancy as the commencement date and that GH were referred to in the earlier PRT.

Mr Dalziell told the Tribunal that the Applicant had owned a portfolio of 14/15 properties. They were managed by GH who went into liquidation in 2023. He said that the Applicant’s Representative were given keys but nothing else – no tenancy agreements, EPCs etc. For that reason a new PRT was sent to the Respondent. Mr Dalziell said it would have been sent by email. He said the Applicant wishes to sell the properties he owns and no longer wishes to be a landlord. He said there are 8 properties left including the Property. He said the Applicant had looked at selling with tenants in place but the offers received were not acceptable. He said the Applicant was happy to wait until the end of February before taking possession if an order was granted.

The Respondent told the Tribunal that she lives in the Property with her partner. Her granddaughter stays with her Thursday to Saturday each week. She said that she has family living close by. She said her uncle lives two streets away and she is his full time carer. She helps him to get up in the morning, helps him to dress and cooks and cleans for him. She said her partner has PTSD and sciatica. She said that she suffers from asthma and depression since her father died in 2016.

Ms Vincent told the Tribunal that she had been in touch with the local authority about alternative housing and that a council house would be her ideal outcome. She said the local authority operate a points based system. She said she has 90 points and has

now filled out the paperwork to be assessed for medical points. She said that if she is made homeless she will be awarded more points. She said that her caring responsibilities would also result in points being added.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into the Tenancy Agreement with the Respondent for the Property which commenced on 1 June 2023.
2. A Notice to Leave was served on the Respondent by email on 11 December 2024. It stated that an application for an eviction order would not be submitted to the Tribunal before 15 March 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.

Findings in Fact and Law

1. It is reasonable to grant an order for eviction but to delay enforcement until 10 March 2026.

Reasons for the Decision

The Respondent's position was that she occupies the Property in terms of a PRT at a rent of £600 per month. The difference between the PRT lodged and the one under which the Respondent believed she occupied was the commencement date and the name of the managing agent. Title to the Property had been held by the Applicant since August 2007 and it had not changed. The Respondent understood what the Notice to Leave meant even if the date stated to be the date on which she started to live in the Property was incorrect. The error in that date did not affect the effect of the Notice to Leave.

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 letter from Abbey Forth dated 4 December 2024 confirming their instruction to sell the Property. The Respondent did not dispute that the Applicant intends to sell the Property.

The Tribunal considered the question of reasonableness. The Respondent understood that the Applicant no longer wishes to be a landlord. She was of the view that the best outcome for her would be to be allocated housing by the local authority. Her concern was the transition from the private rented sector to local authority housing as it could be uncertain until alternative accommodation was identified. The Respondent did however appreciate that the grant of an eviction order would result in her housing application being progressed. In all the circumstances, the Tribunal determined that it was reasonable to grant an order for possession of the Property but to delay enforcement until 10 March 2026.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement of the Order until 10 March 2026.

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 : 10 November 2025