



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/25/2153

Re: Property at 8 Oswald Place, Leven, Fife, KY8 4NW (“the Property”)

Parties:

Mr Alan Ballantine, Haughhead House, Fala Dam, Midlothian, EH37 5SW (“the Applicant”)

Miss Deborah Gibson, 8 Oswald Place, Leven, Fife, KY8 4NW (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 5 September 2025 informing both parties that a CMD had been assigned for 21 October 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondent was invited to

make written representations by 26 September 2025. No representations were received by the Tribunal.

The case management discussion – 21 October 2025

4. The CMD took place by conference call. The Applicant was represented by Mrs Cheryl Marshall. The Respondent joined the conference call and represented herself. The Tribunal explained the purpose of the CMD. The Respondent did not oppose the application for an eviction order but she explained that she does not have alternative accommodation to go to. The Respondent lives in the Property with her 3 children aged 16, 14 and 8. The Respondent is unable to afford another privately let property and has been in touch with the local authority about housing. She has been told that she has insufficient points to be allocated alternative accommodation now.
5. The Applicant's position is that he has not yet instructed a solicitor or estate agent in relation to the sale, but intends to do so if and when he has vacant possession. He owns 4 rental properties in total and intends to sell one property every financial year until all properties are sold, so that he can cease activity as a landlord.
6. The Tribunal adjourned the CMD briefly to allow the Tribunal members to discuss matters in light of the information provided by the parties. When the CMD was reconvened, the Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order. It also explained the earliest date an eviction could take place. In light of the family composition, the Tribunal decided that the period of notice of removal should be extended by a period of 6 weeks.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 19 July 2023.
8. The Applicant issued a Notice to Leave to the Respondent by email on 18 February 2025.
9. The Applicant intends to sell the Property.

Reason for Decision

10. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
11. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant provided a reason behind his intention to sell the Property. The Tribunal was satisfied that

ground 1 had been established. The Respondent did not oppose the application. The Tribunal was satisfied that it was reasonable to grant the order sought.

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.

Nicola Irvine

Legal Member/Chair

21 October 2025

Date