

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/25/0144

Re: Property at The Cairn, 32 Main Street, Aberlady, East Lothian, EH32 0RA ("the Property")

Parties:

Mr Anthony Collins and Mrs Jennifer Collins, residing at Smiddy Cottage, High Street, Aberlady, East Lothian, EH32 0RZ ("the Applicants") and

Miss Chloe Rae, residing at The Cairn, 32 Main Street, Aberlady, East Lothian EH32 0RA ("the First Respondent") and

Mr Darren Nisbet, The Cairn, 32 Main Street, Aberlady, East Lothian, EH32 0RA ("the Second Respondent")

Tribunal Members:

G McWilliams- Legal Member

M Booth- Ordinary Member

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined as follows:

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").
2. The Applicants, Mr and Mrs Collins, had provided the Tribunal, in the Application, with copies of the parties' Private Residential Tenancy Agreement

("the PRT"), the Notice to Leave ("NTL") served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to East Lothian Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondents, Miss Rae and Mr Nisbet, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 15th September 2025, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 24th October 2025

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 24th October 2025. The Applicant Mr Collins and the Respondents Miss Rae and Mr Nisbet attended.
5. Mr Collins referred to the Application papers. He stated that the purchaser of the Property still wishes to proceed with the transaction. He said that the Applicants' mortgage lender has been pressing them to complete the sale and repay their mortgage. Mr Collins said that he and his wife have always been on good terms with Miss Rae and Mr Nisbet, who have been excellent tenants.
6. Miss Rae stated that she and Mr Nisbet have applied to East Lothian Council for a tenancy for themselves and their one year old child. She said that the Council have informed them that they will treat their Application as a priority Application when an eviction order is granted. Miss Rae stated that it was best that the order be granted as soon as possible. She said that if the order is granted today she will call East Lothian Council immediately. Mr Nisbet stated that he is in agreement with everything that Miss Rae had said.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting documents. The Tribunal also considered the statements and submissions made by Mr Collins, Miss Rae and Mr Nisbet at the CMD. Having done so, the Tribunal found in fact that Mr and Mrs Collins seek recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied. Given that Mr and Mrs Collins, as well as Miss Rae and

Mr Nisbet, seek the grant of an eviction order the Tribunal also found that it is reasonable to make such an order.

Decision

10. The Tribunal therefore makes an eviction order as sought in this Application.

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.

G McWilliams

Tribunal Legal Member

24th October 2025

Date