



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51 Private Housing
(Tenancies) (Scotland) Act 2016 (“the 2016 Act”)**

Chamber Ref: FTS/HPC/EV/24/3767

Property at 107/6 Barn Park Crescent, Edinburgh, EH14 3HP (“the Property”)

Parties:

Mr David Buchanan, 2 Parkhead View, Edinburgh, EH11 4RT (“the Applicant”)

**Mr Steven Davidson, Miss Paula Swanson, 107/6 Barn Park Crescent,
Edinburgh, EH14 3HP (“the Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant. The Tribunal also ordered a delay in execution of the order until 20 January 2026.

Background

1. The Applicant submitted an application for an eviction order in terms of Section 51 and ground 1 of schedule 3 of the 2016 Act. A copy of the application was served on the Respondents, and the parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 28 April 2025 at 2pm. Prior to the CMD the Respondent’s representative lodged written submissions.
2. The CMD took place on 28 April 2025. The Applicant participated. The Respondents were represented by Ms Bennett.
3. The Tribunal noted that it was not clear from the written submission whether the application was opposed or if the Respondents were simply seeking a delay in enforcement of the eviction order. Ms Bennett said that the application was opposed. However, if the Tribunal decided to grant the order, the Respondents were seeking additional time to obtain alternative housing.

4. Mr Buchanan told the Tribunal that he had decided to sell the property because he no longer wants to be a landlord. He has sold his other properties over the last couple of years, and this is the last one. The property is now costing him money as the rent does not cover the costs associated with the property. He has not increased the rent in the last seven years, and it is well below the market rate for similar properties. He does not want to re-mortgage the property as it will be better financially to sell it with a variable rate mortgage. There are also personal reasons for selling. He and his partner recently lost their son, and he wants to simplify his life. He told the Tribunal that he is 36 years of age and a college lecturer. The property is a three bedroom maisonette although another room in the property is being used as a fourth bedroom. There are repair issues at the block, and it is impossible to get these fixed because the other owners are not willing to pay. This is causing a great deal of stress.
5. The Tribunal noted that the Respondents do not dispute that the Applicant intends to sell the property. They oppose the application on the grounds that it would not be reasonable to grant the order. The written submission confirmed that the main reason for their opposition is the difficulty they will face in obtaining alternative accommodation to suit their family's needs in either the private or social rented sector.
6. The Tribunal determined that an evidential hearing by video conference would be scheduled. The only issue to be determined at the hearing was whether it would be reasonable to grant the order. The Tribunal also issued a direction to the parties in relation to the provision of further information and documents.
7. The Parties were notified that the hearing would take place on 20 October 2025 at 10am. Prior to the hearing, both parties lodged further submissions and documents. The Respondent's submission stated that they did not oppose the granting of the eviction order but were seeking additional time to obtain local authority housing. On Friday 17 October 2025, the Applicant's representative notified the Tribunal that he had discussed matters with the Respondent representative, and they had agreed that, if the order is granted, there should be a three month delay in enforcement.
8. The Hearing took place on 20 October 2025. The Applicant was represented by Ms Doyle. The Respondents were represented by Mr Wilson.

The Hearing

9. Mr Wilson confirmed that the Respondents no longer oppose the application. Although they have concerns about their housing situation, they cannot bid for Council properties until they have been given priority. They need an eviction order to secure this. They are aware that they may have to reside in temporary accommodation for some time. In response to questions from the Tribunal, Mr Wilson confirmed that the Respondents seek a delay in enforcement of the order until 20 January 2026.

Findings in Fact

10. The Applicant is the owner and landlord of the property.
11. The Respondents are the tenants of the property and live there with their children.
12. The Applicant intends to sell the property because he wants to cease being a landlord. The rent for the property does not cover the outgoings associated with the property.
13. The Applicant intends to use the proceeds of sale to purchase a home with his partner.
14. The Applicant served a Notice to leave on the Respondents 3 May 2024.
15. The Respondents do not oppose the application. They have been unable to find alternative housing in the private sector and hope to be re-housed by the Local Authority.
16. The Respondent's children have medical conditions, and the Respondent has provided medical evidence to the Local authority in support of their application for housing.
17. The Local Authority have indicated that the Respondents will not be re-housed unless an eviction order is issued by the Tribunal.

Reasons for Decision

18. The application was submitted with a Notice to Leave dated 29 April 2024 together with Sheriff Officer certificate of service which establishes that it was served on the Respondents on the same date. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The Notice states that the earliest date that an application can be made to the Tribunal is 25 July 2024.
19. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
20. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
21. Ground 1 of schedule 3 (as amended) states, "(1) It is an eviction ground that the landlord intends to sell the let property. (2) The First-tier Tribunal may find

that the ground named by sub-paragraph (1) applies if the landlord – (a) is entitled to sell the let property, (b) 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 (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.”

22. From the documents submitted and the information provided at the CMD and hearing, the Tribunal is satisfied that the Applicant intends to sell the property and that part 1 of ground 1 is established.

23. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -

(a) The Respondents no longer oppose the application. Although they have been unable to secure alternative accommodation, they have applied to the Local Authority and have medical evidence to support this application. They have been advised that they will not be a priority until an eviction order is granted.

(b) The Applicant intends to sell the property. He has sold his other rental properties and no longer wishes to be a landlord. The rent does not cover the mortgage and other costs associated with the property and he requires the proceeds to purchase a home with his partner.

24. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 23 Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

25. Tribunal was invited to order a delay in execution of the order in terms of Rule 16A of the Procedure Rules. Having regard to all the circumstances, the Tribunal is satisfied that the execution of the order should be delayed until 20 January 2026.

Decision

26. The Tribunal determines that an eviction order should be granted against the Respondents.

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.

