



**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/25/1683

Re: Property at 64e Bruce Gardens, Inverness, IV3 5EW (“the Property”)

Parties:

**Mr Gordon Main, Ms Lynsey Main, 19 Boarstone Avenue, Inverness, IV2 4XW
 (“the Applicant”)**

**Mr Liviu Florea, Miss Anisoara Kovacs, 64e Bruce Gardens, Inverness, IV3
 5EW (“the Respondent”)**

Tribunal Members:

Alison Kelly (Legal Member) and Kingsley Bruce (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined that the order for eviction should be granted.**

Background

1. On 21st April 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 1st December 2022 and a rent of £725 per month;
 - ii. Copy Notice to Leave dated 17th January 2025;
 - iii. Copy email dated 17th January 2025 to the Respondents serving the Notice to Leave;

- iv. Section 11 Notice and proof of service;
 - v. Email from Home Sweet Home Estate Agents dated 31st March 2025 confirming instructions to market the property
 - vi. Email from Anderson Bain Solicitors dated 31st March 2025 confirming instructions to sell the property
3. The Application was served on the Respondent by Sheriff Officers on 9th September 2025.

Case Management Discussion

- 4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicants dialled in and represented themselves. There was no attendance by the Respondents nor any representative on their behalf.
- 5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
- 6. The First Named Applicant sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. He said that the Applicants intended to sell the property for market value, or at least put it up for sale, within three months of the Respondents vacating.
- 7. The First Named Applicant said that the Applicants wished to sell the property to release some capital as their daughter was going to go to college in the central belt and they wished to provide her with accommodation. They also both work full time and are finding the stress of managing rental properties is becoming too much. They had five rental properties, they now only have three, and it is their intention to gradually sell the others but perhaps retain one.
- 8. The First Named Applicant said that the Respondents are a couple. They did reside in the property with their two daughters, but at least one, if not both, have moved out as they are now in higher education. He stressed that they had been good tenants. He said that he has had discussions with them and they sent him a screenshot of the advice they were given by Highland Council after receiving service of the Notice to Leave, which was to stay put in the property as leaving may affect their entitlement to homeless accommodation. He said that the property had not been adapted in any way in connection with any disability of the Respondents or their family members.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 1st December 2022;
- b. A Notice To Leave, dated 17th January 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Application was served on the Respondents by Sheriff Officer on 9th September 2025;
- e. The Applicants intend to sell the property for market value, or at least put it up for sale, within three months of the Respondents vacating;
- f. The Applicants wish to reduce the number of rental properties they own to reduce the stress of being landlords;
- g. The Applicant wish to sell this property to provide funds for them to source accommodation for their daughter when she goes to college in the Central Belt;
- h. The property is occupied by the Respondents;
- i. It has not been adapted in any way to accommodate disabilities of the Respondents or their family members.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act states as follows:

1(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.

(3)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a)a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

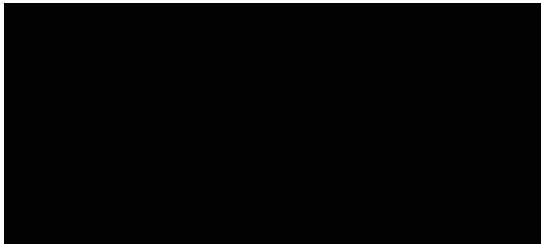
(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

10. The Tribunal is satisfied that the criteria of Ground 1 have been met as the Applicants own the property, have served the Notice to Leave timeously and correctly, and intend to sell the property for market value, or at least put it up for sale, within three months of the Respondents vacating.

11. The Tribunal is also satisfied that it is reasonable to grant the order. The Applicants have given valid reasons for wishing to sell, and there is no opposition from 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.



31st of October 2025

Date