



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/25/1493

Re: Property at 138 Middlebank Street, Rosyth, KY11 2NJ (“the Property”)

Parties:

Mr Jamie Paxton and Mrs Debbie Paxton, both 1 Myrtle Wynd, Dunfermline, KY12 0NJ (“the Applicants”)

Ms Jennifer Louise Anderson, 138 Middlebank Street, Rosyth, KY11 2NJ (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 6 April 2025, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 15 July 2018 at a rent of £600 per month, and a Notice to Leave dated 7 January 2025 advising the Respondents that an application to the Tribunal under Ground 1 would not be made before 4 April 2025. The Applicants also provided the Tribunal with a copy of a letter of 7 May 2025 from Morgan Law, solicitors, Dunfermline, to the Applicants, confirming that they have told the solicitors that they intend to

sell once the tenants have vacated and have instructed them to provide a valuation and costs for selling, which they have emailed to the Applicants.

3. On 10 October 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondents were invited to make written representations by 31 October 2025. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the morning of 20 November 2025. The Applicants were represented by Miss Beverley Hughes of Morgan Law Partnership, solicitors, Dunfermline. The Respondent was also present.
5. Miss Hughes told the Tribunal that it was still the Applicants' intention to sell the Property and that it was for personal reasons. Ms Anderson told the Tribunal that she has been offered a house by a local Housing Association, but it is presently undergoing renovation and asbestos has been identified in the bathroom ceiling, so she is unsure of a date on which she may be able to move in. She was not, however, opposing the Order and, in discussion, indicated that she would be comfortable if it could not be enforced before the end of January 2026, given that the specialist contractors required to remove the asbestos would probably close down for two weeks over the Festive period. Miss Hughes advised that this would be acceptable to the Applicants.

Reasons for Decision

6. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
7. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.
8. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.
9. The Tribunal was satisfied from the evidence provided by the Applicants, including the solicitors' letter of 7 May 2025, that they intend to sell the

Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.

10. The Tribunal noted that the Respondent has been offered another property and that she was not opposing the application. It appeared, therefore, to be in the interests of both Parties for the Tribunal to issue an Eviction Order and the Tribunal decided, therefore, that it would be reasonable to do so, with its enforcement date being 30 January 2026.
11. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

Date: 20 November 2025