



**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/25/1526**

**Re: Property at 19 Union Road, Whitburn, EH47 0AW (“the Property”)**

**Parties:**

**Mrs Jennifer Harper and Mr Clark Harper, both 24 Byrehope Road, Uphall, West Lothian, EH52 5SP (“the Applicants”)**

**Ms Katharine Millar and Mr Jamie Riggans, both 19 Union Road, Whitburn, EH47 0AW (“the Respondents”)**

**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 Respondents.**

**Background**

1. By application dated 9 April 2025, the Applicants sought an Eviction Order against the Respondents 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 Applicants and the First-named Respondent, which commenced on 13 July 2018 at a rent of £475 per month, confirmation that the Second-named Respondent was a sub-tenant who also moved into the Property on 12 May 2023, and a Notice to Leave dated 6 January 2025 advising the Respondents that an application to the Tribunal under Ground 1 would not be made before 3 April 2025. The Applicants also provided the Tribunal with copies of a letter of engagement with Sneddon Morrison, solicitors and estate agents, Whitburn, for the sale of the Property, and a letter from The Sinclair

Partnership, accountants, giving personal financial information indicating that, after tax but excluding repairs and maintenance, the costs of running the tenancy exceed the rent.

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 Respondents 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 afternoon of 20 November 2025. The Applicant, Mrs Harper was present, and the Applicants were represented by Ms Collette Kempik of Lothian Homes, Bathgate. The Respondents were both present.
5. The Applicants' representative told the Tribunal that the reasons for their needing to sell the Property were financial. It was possible that a sale could be agreed with West Lothian Council, but they will not inspect the Property until it is vacant.
6. The Respondents told the Tribunal that they understood that the Applicants need to sell and they were not opposing the application. They were working with the local authority to be rehoused. If necessary, they had somewhere to go temporarily, but that could not be before Christmas. They indicated that they would be content with an Order requiring them to vacate the Property by 9 January 2026.
7. The Applicant, Mrs Harper, confirmed that she would not have wished the Respondents to be required to move out before the Festive period, but if they found that they were able to do so, it would assist the Applicants in getting things underway in relation to the sale. She told the Respondents that she was really sorry that they were having to sell the Property.

### **Reasons for Decision**

8. 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.
9. 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.
10. 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.

11. The Tribunal was satisfied from the evidence provided by the Applicants, including the solicitors and estate agents' letter of engagement, 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.
12. The Tribunal was satisfied that the Applicants had set out a good reason for their decision to sell the Property, namely that the incoming rent is less than the costs involved in running the tenancy. The Tribunal also noted that the Respondents were not opposing the application, that they were in discussions with the local authority regarding being rehoused and that, if necessary, they had somewhere they could stay on a temporary basis, provided it was after the Festive holiday period.
13. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.
14. The Tribunal decided that the Eviction Order should not be enforceable until 9 January 2026.
15. 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.**

# **G Clark**

**Legal Member/Chair**

**Date: 20 November 2025**