



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) in respect of an application under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) and Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”)

Chamber Ref: FTS/HPC/EV/25/2069

Re: Property at 25 George Street, Markinch, Fife, KY7 6AS (“the Property”)

Parties:

Mr. Douglas Hughes and Mrs. Karen Hughes both residing at 33, Mackie Gradens, Markinch, Fife, KY7 6BE (“the Applicants”)

Mrs. Carol Reid residing at 25 George Street, Markinch, Fife, KY7 6AS (“the Respondent”)

Tribunal Members:

Karen Moore (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the statutory process and the Ground for recovery of possession having been established, it is reasonable to grant the Order sought.

Background

1. By application received on 14 May 2025 (“the Application”), the Applicants applied to the Tribunal for an Order for eviction and possession of the Property based on Ground 1 of Schedule 3 to the 2016 Act.
2. The Application comprised the following:
 - i) copy private residential tenancy agreement between the Parties;
 - ii) copy Notice to Leave in terms of Grounds 1, the landlord intends to sell the Property, of Schedule 3 to the Act together with proof of sending;
 - iii) copy instruction to an estate agent in respect of the sale of the Property and
 - iv) copy Notice under Section 11 of the Homelessness Etc (Scotland) Act 2003 to Fife Council being the relevant local authority.
3. The Application was accepted by the Tribunal Chamber and a Case Management Discussion (the “CMD”) was fixed for 5 December 2025 at 14.00 by telephone conference. The CMD was intimated to the Parties and, in particular, to the Respondent by Sheriff Officer service on 20 October 2025.

CMD

4. The CMD took place on 5 December 2025 at 14,00 by telephone conference. The Applicants, Mr. and Mrs. Hughes were both present and were unrepresented. Mrs. Reid, the Respondent, was present and unrepresented.
5. Mr. and Mrs. Hughes confirmed that the Order is sought. Mr. Hughes explained that the reasons for selling are that ill-health and advancing age means that it is no longer viable for his wife and him to continue as landlords. Mr. Hughes stated that selling the Property with Mrs. Reid remaining as a sitting tenant would not achieve the best price.
6. Mrs. Reid stated that she did not formally oppose the Application but, on the advice of the local authority, has remained in the Property until an eviction order is granted. With regard to her personal circumstances, Mrs. Reid stated that she lives in the Property alone and has no dependents. She explained that she is retired, having retired early due to a broken back. She stated that the Property

is a two-bedroom flat and has an overhead shower, which is not suitable for her medical condition. Mrs. Reid confirmed that she has been in contact with the local authority for advice and assistance on homelessness, but they are not able to consider offering her anything until the Order is granted. Mrs. Reid explained that a ground floor flat with a walk-in shower would be more suitable for her needs.

Findings in Fact

7. From the Application and the CMD, the Tribunal made the following findings in fact: -

- i) There is a private residential tenancy of the Property between the Parties;
- ii) The Applicants intend to sell the Property due to ill -health and no longer wishing to act as landlords;
- iii) The Applicants have instructed selling agents;
- iv) The Respondent is a single person with no dependents;
- v) The Respondent has been in contact with the local authority but has not been able to source alternative accommodation and
- vi) The Respondent does not formally oppose the Application but has no alternative accommodation in which to reside and so continues to reside in the Property.

Issue for the Tribunal

8. The issue for the Tribunal was to determine whether or not to grant the Order sought. The Ground on which the Application proceeds is Ground 1 which *“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.”*

9. The statutory ground and procedure being established, the issue for the Tribunal was to determine if it is reasonable to grant the Order. The Tribunal took the view that it had sufficient information to make a decision on reasonableness and so proceeded to determine the Application.

Decision and Reasons for Decision

10. The Tribunal had regard to all the information before it and to its Findings in Fact.
11. The Tribunal then considered if it could be satisfied it is reasonable to issue an eviction Order on account of those facts and on all of the information before it.
12. The Tribunal had regard to the facts that it is no longer viable for the Applicants to continue as landlords of the Property and that they intend to sell the Property. The Tribunal noted that the Respondent does not oppose the Application. The Tribunal had regard to the Respondent's circumstances and took the view that the homelessness legislation provides a safety net for her. Accordingly, the Tribunal was satisfied that it is reasonable to issue an eviction Order.
13. The Tribunal considered that, as the Respondent has particular housing needs and as the usual thirty-day period for an Order to come into effect is close to the festive period, in the circumstances, it is appropriate to stay the effective date of the Order to 2 February 2026.
14. This decision is 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.

Karen Moore

Legal Member/Chair

5 December 2025

Date