



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/25/1512

Property : 19 Ramsay Road, Kirkcaldy, Fife KY1 1UA (“Property”)

Parties:

Shane Halstead, 11 Barnet Crescent, Kirkcaldy, Fife KY1 1QU (“Applicant”)

Fife Letting Service, 119 Victoria Road, Kirkcaldy, Fife KY1 1DS (“Applicant’s Representative”)

Wilma Fyffe, 19 Ramsay Road, Kirkcaldy, Fife KY1 1UA (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property but to delay enforcement until 23 January 2026.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 16 October 2022; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 8 January 2025 ("Notice to Leave") with covering email of the same date; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email; copy desktop valuation prepared by Shepherd, Chartered Surveyors dated 13 May 2025 and letter from MacGregor Ltd, Solicitors dated 20 May 2025 confirming their instruction to sell the Property. A Case Management Discussion (“CMD”) was fixed for 28 November 2025. The Application was served on the Respondent by sheriff officer on 16 October 2025.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 28 November 2025 by teleconference. The Applicant was represented by Angela King and Helen Couser of the Applicant's Representative. The Respondent was in attendance.

Mrs Fyffe told the Tribunal that she lives in the Property with her husband who is aged 65. She said that she is aged 62. She said that neither she or her husband are working. She said that she is her husband's carer. Mrs Fyffe said that both she and her husband are classed as disabled. Mrs Fyffe said that she does not oppose the application for a possession order. She said she has been in touch with Fife Council and they have told her they can do nothing to assist with alternative accommodation until an order for possession is granted. She said she had completed an application for housing and that the form included local housing associations.

Mrs King told the Tribunal that the Applicant is retired although he has not yet reached retirement age. She said that he does not receive a pension and that his portfolio of properties is his pension. She said that Fife Letting Service manage five properties for the Applicant and she understood that one other property is managed elsewhere. She said that one property is being sold in early 2026 and two are going through the Tribunal process including the current application. She said that a lump sum is due to be paid in respect of the mortgage for the Property in early 2026 and the Applicant needs to sell the Property to raise the necessary funds.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced on 16 October 2022.
2. A Notice to Leave was served on the Respondent by email on 8 January 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 5 April 2025.
3. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
4. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, 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 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was copy desktop valuation prepared by Shepherd, Chartered Surveyors dated 13 May 2025 and letter from MacGregor Ltd, Solicitors dated 20 May 2025 confirming their instruction to sell the Property.

The Tribunal considered the question of reasonableness. In all the circumstances, the Tribunal determined that it was reasonable to grant an order for possession of the Property but to delay enforcement until 23 January 2026 due to the upcoming festive period and to give the Council more time to assist the Respondent with alternative accommodation.

Decision

The Tribunal determined to grant an order for possession of the Property but to delay enforcement until 23 January 2026.

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.

**Joan Devine
Legal Member**

Date : 28 November 2025