

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/2048

Re: Property at 29 South Blarbuie, Shinness, Lairg, Sutherland, IV27 4DN (“the Property”)

Parties:

Ms Rosalind Mary Fleming, Burn Cottage, Laundry Road, Lairg, Sutherland, IV27 4DE (“the Applicant”)

Ms Natasha Samantha Rowan, 29 South Blarbuie, Shinness, Lairg, Sutherland, IV27 4DN (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mrs M Lyden (Ordinary Member)

Decision

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

Background

1. This is a Rule 109 application received on 13th May 2025 whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 10th July 2023, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 15th October 2025.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 26th November 2025. Both parties were in attendance. The Applicant was

represented by Ms Fisher, Letting Agent. The Respondent was supported by her mother.

4. The Tribunal explained the purpose of the CMD. The Tribunal heard from parties and the Applicant representative.
5. The Applicant wishes to sell the Property to release capital. The Applicant is in employment and has a modest wage. The Applicant will not receive a state pension for some years, and wishes to supplement her income by selling the Property. The Property has three bedrooms. The Applicant lived in the Property before renting it to the Respondent.
6. The Respondent is not opposing the order. The Respondent lives alone in the Property. The Respondent is not in employment. There are no rent arrears. The Respondent has been in contact with the local authority and has been told she will either be allocated a property or housed in temporary accommodation if an order is granted. The Respondent wishes to secure social housing as a further private let is not affordable.

Findings in Fact and Law

7.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 10th July 2023.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

8. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
9. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.

10. The Applicant has a modest income and wishes to release capital by selling the Property.

11. The Respondent is not opposing the order and wishes to secure social housing which would be more affordable than securing a further private let. The Respondent has been told she will secure social housing or temporary accommodation if an order is granted.

12. The Tribunal considered it was reasonable to grant the order sought.

Decision

13. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 30th December 2025.

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.

H Forbes

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Legal Member/Chair

26th November 2025
Date