

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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/2429

Re: Property at 16 Paris Avenue, Denny, FK6 5AD (“the Property”)

Parties:

Mr David Minard, Mrs Annette Minard, Keepers Cottage, Loch Walton, Denny Road, Fintry, FK6 5AD (“the Applicant”)

Mr Graeme Kay, 16 Paris Avenue, Denny, FK6 5AD (“the Respondent”)

Tribunal Members:

Graham Dunlop (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction in respect of the Property be granted in favour of the Applicant.

Background & Case Management Discussion

1. The property has been occupied by the respondent as a tenant since in or about 2015. The applicant misplaced the previous short assured tenancy. Accordingly in order to seek recovery of the property to sell the applicant and respondent entered into a private residential tenancy commencing on 1st March 2025.
2. The applicant is seeking recovery of the property as it is intended that the property be sold for the reasons discussed below. The ground of recovery is accordingly ground 1 of part 1 to the Schedule 3 to the 2016 Act.
3. The date and time of the Case Management Discussion (“CMD”) was provided to the respondent by Sheriff Officers on 15th October 2025, however the respondent did not appear or arrange representation at the CMD.

4. At the CMD the applicant's representative Mr Aiton provided a text exchange between the applicant and respondent in which the respondent stated, "Am out the house told you 2 weeks ago so no more rent". This statement is consistent with the respondent having not paid rent for the past 2 months as explained by Mr Aiton. The respondent had previously largely met his obligation to pay rent.
5. Mr Aiton had previously made a written submission explaining that the sale of the property was required as the property was held on an interest only mortgage and the capital sum would be due shortly. Evidence was lodged supporting this submission.
6. Mr Aiton also explained that Mrs Minard was in poor health and required surgery. Medical evidence was supplied to the Tribunal. Post-surgery there was little prospect of Mrs Minard continuing to receive any wages from part-time work. Mr and Mrs Minard are elderly and beyond state retirement age.
7. The property is the applicant's sole property that is let to tenants, and the respondent was the only person residing in the property.

Findings In Fact

1. That the applicant is the owner/proprietor of the property.
2. That the respondent was the tenant of the property under the PRT with a start date of 1 March 2025.
3. That the applicant served notice to leave upon the respondent.
4. That, on the balance of probabilities, the respondent no longer resides in the property.
5. That the applicant intends to sell the property.

Findings in Fact and Law

1. The PRT between the parties includes the ground for eviction relied upon in the present application.
2. The Notice to Leave served on 4 March 2025 by Sheriff Officers identified that the ground was that the landlord/applicant intends to sell the property.
3. The applicant intends to sell the property.
4. It is reasonable to grant the order of eviction.

Discussion and Reasons

1. As identified above there was persuasive evidence that the respondent was no longer residing in the property, however this is not determinative of the application as the issue of reasonableness requires to be considered.
2. The respondent was the sole occupier of the property prior to leaving the property. The respondent has refused to meet the rent as he is no longer residing in the property.
3. The applicant is an elderly couple with no financial means of meeting the capital sum owed on the property without selling the property.
4. In particular Mrs Minard is in poor health and could not seek employment to attempt to meet the capital payment required.
5. The applicant has no other rental property that could be sold to meet the financial obligation of the capital sum.

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.

Graham Dunlop

Legal Member/Chair

25th November 2025

Date