



**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/25/1514

**Re: Property at 30 Meadowbank, Ladywell, Livingston, EH54 6EJ (“the
Property”)**

Parties:

**Miss Sarah Javed, 29 Meadowbank, Ladywell, Livingston, EH54 6EJ (“the
Applicant”)**

**Miss Natalie Moffat, 30 Meadowbank, Ladywell, Livingston, EH54 6EJ (“the
Respondent”)**

**Tribunal Members: Ruth O’Hare, Legal Member, and Ahsan Khan, Ordinary
Member**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case and it would be reasonable to make an eviction order, with execution of the order suspended until 30 January 2026.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 51(4) of the Act the order will terminate the private residential tenancy on 30 January 2026.

Background

- 1 This is an application for an eviction order under section 51 of the 2016 Act and rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicant relied upon ground 1 as the ground for possession, stating her intention to sell the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 21 November 2025. The Tribunal gave notice of the

CMD to the parties in accordance with rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 15 October 2025.

- 3 The Tribunal invited both parties to make written representations in advance of the CMD. No written representations were received from either party.

The CMDs

- 4 The CMD took place by teleconference on 21 November 2025. Both parties joined the call.

- 5 The Tribunal had the following documents before it:-

- (i) Form E application form;
- (ii) Title sheet for the property;
- (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
- (iv) Private residential tenancy agreement between the parties;
- (v) Notice to leave;
- (vi) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority by email; and
- (vii) Copy letter from Gilson Gray Solicitors regarding the estate of the late Parveen Javed.

- 6 The Tribunal heard submissions from the parties on the application. The following is a summary of the key elements of the submissions and is not a verbatim account.

- 7 The Applicant is the executor of her mother's estate. The property requires to be sold to settle the estate. The Applicant cannot sell the property without vacant possession. The local authority has said they won't assist the Respondent until the Tribunal makes an eviction order. The Applicant referred to the letter from Gilson Gray in support of her submissions. She confirmed that Gilson Gray would be carrying out the marketing and conveyancing for the sale of the property.

- 8 In response to questions from the Tribunal the Applicant confirmed that she had emailed the notice to leave to the Respondent. The Respondent confirmed that she had received the notice to leave by email.

- 9 The Respondent is more than happy to leave the property. She understands that it needs to be sold. The Applicant has been a great landlord. The local authority has been hesitant to assist the Respondent. They have said that the Respondent needs to wait until the Tribunal makes an eviction order. The Respondent resides in the property with her three teenage children, the eldest of whom has multiple disabilities. The Respondent has found the situation stressful and wants it to be over. The local authority has advised the Respondent that she will have to wait until the eviction date. The local authority

will then arrange for her belongings to be put in storage and for the Respondent and her family to be placed in temporary accommodation, pending allocation of a permanent home.

- 10 The Tribunal discussed a potential suspension of the execution of any order with the parties. The Respondent would like a delay until the end of January to get through the festive period. The Applicant had no objection to this.
- 11 The Tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 12 The Applicant is the executor of her mother, the late Parveen Javed. Parveen Javed is the registered owner of the property.
- 13 The Applicant let the property to the Respondent in terms of a private residential tenancy agreement, which commenced on 31 March 2018.
- 14 The Applicant has given the Respondent a notice to leave which includes ground 1 of schedule 3 of the 2016 Act.
- 15 The Applicant has given the local authority a section 11 notice as at the date of making this application.
- 16 The Applicant is entitled to sell the property as the executor of the late Parveen Javed.
- 17 The Applicant intends to sell the property within three months of the Respondent ceasing to occupy the property.
- 18 The property is an asset in the estate of the late Parveen Javed. The Applicant requires to sell the property to settle the division of the estate amongst the beneficiaries.
- 19 The Respondent is agreeable to vacating the property. The Respondent resides in the property with her three teenage children. The Respondent's eldest child has multiple disabilities.
- 20 The Respondent has applied to the local authority for rehousing. The local authority will not provide the Respondent with accommodation until an eviction order is granted by the Tribunal.

Reasons for decision

- 21 The Tribunal was satisfied it had sufficient information to make relevant findings in fact based on the oral submissions and documentary evidence before it. It was clear that the substantive facts of this case were not in dispute. The

Tribunal was therefore satisfied it could reach a decision in the absence of a hearing under rule 18 of the Rules.

- 22 Section 52 of the 2016 Act states that “*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant*”. The Tribunal was satisfied based on the documentary evidence before it, and the submissions at the CMD, that the Applicant has given the Respondent a notice to leave that complies with the requirements of the 2016 Act. The Tribunal was further satisfied that the Applicant has given the local authority a section 11 notice in accordance with the requirements of section 56 of the 2016 Act.
- 23 The Tribunal went on to consider the wording of ground 1:-
- “(1) 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.
(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—
(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,
(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.”*
- 24 The Tribunal accepted that the Applicant is entitled to sell the property as an executor of the registered owner, and intends to do so, or at least market the property for sale, within three months of the Respondent ceasing to occupy. The evidence in this regard was unchallenged by the Respondent. The Tribunal concluded that paragraphs 2(a) and (b) of ground 1 were established on that basis.
- 25 The Tribunal therefore considered whether it was reasonable to make an eviction order on account of those facts, which requires the Tribunal to identify those factors relevant to reasonableness and determine which attract the greatest weight.
- 26 The Tribunal considered the Applicant’s property rights which entitle her to dispose of the property. The Tribunal also took into account her reasons for doing so, namely to settle her late mother’s estate. The Tribunal gave significant weight to this as a relevant factor.
- 27 The Tribunal carefully considered the Respondent’s circumstances. The risk of homelessness to the Respondent and her family, particularly in light of her eldest child’s disabilities, is a cause for concern. However, the Tribunal gave

most weight to the fact that the Respondent does not oppose the eviction order, provided she is given additional time to vacate the property. The Tribunal accepted that she is awaiting an eviction order so that she can be rehoused by the local authority.

- 28 The Tribunal therefore concluded that the balance in terms of reasonableness weighed in favour of making an eviction order in the particular circumstances of this case, provided that execution of the order is suspended until 30 January 2026.
- 29 As an observation, the Tribunal had grave concerns regarding the suggestion that the local authority may not act to assist the Respondent until the enforcement date of the order. Given the Respondent's family circumstances, the Tribunal would expect the local authority to be proactive in sourcing a suitable home for the Respondent upon receipt of this decision to avoid any need for her family to be housed in temporary accommodation.
- 30 The decision of the Tribunal 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.

Ruth O'Hare

Legal Member/Chair

Date 21 November 2025