

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/25/2679

Re: Property at 3 Grants Pend, Kirk Wynd, Kirriemuir, DD8 4BH (“the Property”)

Parties:

Mr Angus Robert Ramsay as an individual and as Executor of the late Mrs Diane McQueen Ramsay, 34 Ireland Street, Carnoustie, DD7 6AT (“the Applicant”)

Mr Pawel Rodziewicz, 3 Grants Pend, Kirk Wynd, Kirriemuir, DD8 4BH (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 20 June 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 1 April 2018 at a rent of £312 per month, and a Notice to Leave dated 20 March 2025, advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 15 June 2025. The Applicant also provided the Tribunal with copies of a letter of engagement with Thorntons Law LLP, solicitors, for the estate agency and sale conveyancing of the Property, Confirmation in Mrs Ramsay’s estate issued by the Sheriff of Tayside, Central and Fife on 24 July 2024 and an offer for the Property in the sum of £39,999 dated 30 August 2024.
3. The application stated that, having lost his wife and being 72 years old, the Applicant Mr Ramsay no longer wishes to be a private landlord. The sale would

also allow him to conclude the administration of the estate of his late wife. On 29 July 2024, he received an offer to purchase the Property for £10,000 less than the Home Report valuation. He accepted that offer on the basis that the Respondent would remain as occupant, but the offer was later withdrawn after the prospective purchasers spoke directly to the Respondent. The Applicant contended that in these circumstances it would be reasonable to seek vacant possession in order to proceed with a sale.

4. On 20 November 2025, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 11 December 2025. The Respondent did not make any written representations to the Tribunal

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the morning of 16 January 2026. The Applicant was represented by Mr Calvin Gordon of Thorntons Law LLP, Dundee. The Respondent was also present.
6. The Applicant's representative told the Tribunal that Mr Ramsay is now 73 and that he does not own any other rental properties. He has recently had a letter from his lenders advising him that his interest-only mortgage is coming to an end. He has repaid some of the capital but does not have funds to clear the balance when the term of the loan expires, and he needs to sell the Property in order to repay the loan. Angus Council would have a statutory duty to rehouse the Respondent, who would not be regarded as having intentionally made himself homeless, as the reason for the eviction related entirely to his landlord's circumstances. The Applicant's understanding was that the proposed sale had fallen through as, having met him, the prospective purchasers felt that they could not work with the Respondent.
7. The Respondent told the Tribunal that he lives alone in the Property. He runs his own business but it is not doing very well and he is unable to afford a deposit on another property. He raised issues regarding dampness in the Property and the fact that the Applicant had not carried out repairs. He confirmed that he has been in touch with Angus Council Housing Department. He is on their waiting list for accommodation but is currently regarded as non-priority, but will become a priority case if an Eviction Order is issued against him.

Reasons for Decision

8. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
9. Section 51 of the 2016 Act states that 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 to the 2016 Act applies.

10. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.
11. The Tribunal was satisfied from the evidence provided by the Applicant, including the solicitors' and estate agents' letter of engagement, that he intends to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
12. The Tribunal was satisfied that the Applicant Mr Ramsay had set out a good reason for his decision to sell the Property, namely the loss of his wife, his age and the fact that, as a result, he no longer wishes to be a private landlord. The Tribunal also noted that the interest-only mortgage over the Property will shortly have to be repaid and that the Applicant has stated that he requires to sell in order to pay off the capital. The Respondent is in contact with Angus Council and has no dependents living with him. The view of the Tribunal was that, as the Council will have a statutory duty to rehouse the Respondent, the requirement of the Applicant to recover possession in order to sell the Property outweighed the impact on the Respondent, who would in due course be rehoused by the local authority.
13. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order.
14. The Tribunal's decision 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.

George Clark

Legal Member/Chair

16 January 2026
Date