



Decision of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 51 of the Private Housing(Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/3157

Re: Property at 69 Whyte Rose Terrace, Methil, KY8 3AP (“the Property”)

Parties:

Ms Helen Williams, 8A Leopold Place, Edinburgh, EH7 5JW (“the Applicant”)

Mr Ronald Andrews, Mrs Linda Andrews, 69 Whyte RoseTerrace, Methil, KY8 3AP (“the Respondent”)

Tribunal Members:

Jim Bauld (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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

Background

1. By application dated 18 July 2025, the applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.
2. On 26 August 2025 the application was accepted by the tribunal and referred for determination by the tribunal.
3. A Case Management Discussion (CMD) was set to take place on 5 January 2026, and appropriate intimation of that hearing was given to both the landlord and the tenants.

The Case Management Discussion

4. The Case Management Discussion took place on 5 January 2026. The applicant was not in attendance but was represented by Mr Harry Rodger of Murray Properties, Kirkcaldy. The respondents were both present.
5. The tribunal explained the purpose of the CMD and the powers available to the tribunal to determine matters.
6. The tribunal asked various questions of the parties with regard to the application
7. The respondents confirmed that they were not opposed to the order being granted. The applicant's representative confirmed that he wished the order sought to be granted.

Findings in fact

8. The applicant and respondents as respectively the landlord and tenant entered into a tenancy of the property which commenced on 14 May 2024
9. The tenancy was a private residential tenancy in terms of the Private Housing (Tenancies) (Scotland) Act 2016. ("the Act")
10. The agreed rental was £595 per month.
11. On 24 February 2025 the applicant served upon the tenants a Notice to Leave as required by the Act. The Notice was served by email upon the respondents and became effective on 22 May 2025
12. The notice informed the respondents that the landlord wished to seek recovery of possession using the provisions of the Act.
13. The notice was correctly drafted and gave appropriate periods of notice as required by law.
14. The notice set out a ground contained within schedule 3 of the Act, namely ground 1 that the landlord intended to sell the let property

Reasons for the decision

15. The order for possession was sought by the landlord on a ground specified in the act and properly narrated in the notice served upon the tenant.
16. The tribunal was satisfied that the notice had been served in accordance with the terms of the act and that the landlord was entitled to seek recovery of possession based upon that ground.

17. The tribunal accepted the unchallenged evidence of the landlord that they intend to sell the property.
18. The tribunal accepted the evidence that the tenants do not oppose the granting of the order. They indicated that they occupied the property along with their granddaughter who is aged 16. They have already approached the local council and have been informed that assistance in finding an alternative property will be given to them when an eviction order is granted. The indicated that their granddaughter is in her final year at secondary school and will be sitting her final exams which will conclude in May 2026. They confirmed they would be content to allow the eviction order to be granted but that enforcement of it is delayed to allow their granddaughter to complete her schooling and final exams.
19. Mr Rodger for the applicant indicated that he had no issue with enforcement of the order being delayed to above the respondents' granddaughter to finish her final year at school. Mr Rodger indicated that the applicant is a landlord who is reducing and consolidating her portfolio and there is no urgent need to sell this particular property.
20. The ground for eviction was accordingly established.
21. The ground for eviction under which this application was made is the ground contained in paragraph 1 of schedule 3 of the 2016 Act. The ground is that the landlord intends to sell the let property. When the 2016 Act was originally passed, that ground of eviction was mandatory. The tribunal was required by law to grant the eviction order if satisfied that the ground was established.
22. Since 7 April 2020, in terms of changes made by the Coronavirus (Scotland) Act 2020 an eviction order on this ground can only be granted if the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact
23. In determining whether it is reasonable to grant the order, the tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties
24. The tribunal finds that it is reasonable to grant the order.
25. The tribunal accepts that the landlord is entitled to sell the property and wishes to do so. The tribunal accepts that the tenants are not opposed to the sale of the property. They have sought assistance from the local council to obtain accommodation that is more suitable. They have been told that they will not obtain that assistance unless an eviction order is granted thus triggering specific statutory duties under the Housing (Scotland) Act 1987.

The granting of the order will therefore ultimately (and almost counter intuitively) benefit the tenants in their attempts to obtain accommodation that is more suitable.

26. The tribunal will delay the enforcement of the order until 31 May 2026 as agreed by the parties to allow the respondents' granddaughter to complete her exams
27. The tribunal also exercised the power within rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 and determined that the final order should be made at the CMD

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.

Jim Bauld

Legal Member/Chair

5 January 2026
Date