



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of The Private Housing (Tenancies) Scotland Act 2016

Chamber Ref: FTS/HPC/EV/25/2202

Re: Property at 67A Averon Road, Alness, IV17 0SN (“the Property”)

Parties:

Mrs Vera Kudryavtseva, 52 Perrins Road, Alness, IV17 0ST (“the Applicant”)

Mr Stephen Williamson, 67A Averon Road, Alness, IV17 0SN (“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 an application for an eviction order made in terms of Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended (‘the Rules’). The Applicant representative lodged a copy of the tenancy agreement between the parties in respect of the Property, which commenced on 5th October 2023, copy Notice to Leave with evidence of service, copy section 11 notice with evidence of service, email correspondence, statements from the Applicant and a contractor, financial information, evidence of intention to sell, and property survey information.
2. Service of the application and notification of a forthcoming Case Management Discussion was served upon the Applicant on 14th November 2025.

The Case Management Discussion

3. A Case Management Discussion took place by telephone conference on 13th January 2026. The Applicant was not in attendance. The Respondent was in attendance.

4. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Applicant.
5. The Respondent said he was not opposing the order. The Respondent accepted all three grounds were met. The Respondent accepts that the Applicant wishes to sell the Property. The Respondent accepts that refurbishment is required. The Property is not in a good state. Extensive works are required throughout, and he does not want to continue living there. The Respondent accepts that he has breached the terms of the tenancy by keeping unauthorised pets in the Property.
6. The Respondent is in discussion with the local authority and requires an eviction order to allow him to be classed as homeless and housed accordingly. The Respondent said he may be allocated temporary accommodation, depending on the availability of housing. The Respondent has some health issues. The Respondent has lived in the Property since 2017.
7. The Respondent said he is aware that the Applicant is not in the country, and he said it is not easy to contact her. He spoke to her a few weeks ago, and she was aware of the CMD and asked him to let her know the outcome.
8. The Tribunal discussed whether the Respondent required any additional time before an order could be executed, above the usual period of 30 days. The Respondent said he could not leave the Property soon enough and would not wish any additional time.
9. The Tribunal adjourned to consider matters.

Findings in Fact and Law

10.
 - (i) The Respondent has been living in the Property since around 2017.
 - (ii) The parties entered into a private residential tenancy agreement in respect of the Property commencing on 5th October 2023.
 - (iii) Notice to Leave has been served upon the Respondent.
 - (i) The Applicant intends to sell the Property.
 - (ii) The Applicant is entitled to sell the Property.
 - (iii) 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.
 - (iv) The Applicant intends to refurbish the Property.

- (v) The Applicant is entitled to refurbish the Property.
- (vi) It would be impracticable for the Respondent to continue to occupy the Property given the nature of the refurbishment.
- (i) The Respondent has failed to comply with their obligations under the tenancy agreement.
- (vii) It is reasonable to grant an eviction order.

Reasons for Decision

11. Ground 1 of Schedule 3 of the Private Housing (Tenancies) Scotland Act 2016 ("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, given the financial information lodged with the application.
12. Ground 3 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to refurbish the let property, the landlord is entitled to do so, and it would be impracticable for the tenant to continue to occupy the property given the nature of the refurbishment intended by the landlord, and the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts. The Tribunal is satisfied that Ground 3 has been established, given the information on refurbishment lodged with the application and the evidence of the Respondent.
13. Ground 11 of Schedule 3 of the Act provides that it is an eviction ground that the tenant has failed to comply with an obligation under the tenancy. The Tribunal may find that the ground applies if the tenant has failed to comply with a term of the tenancy and the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 11 has been established, in that the Respondent has breached Clause 36 of the tenancy agreement by keeping pets in the Property without the written consent of the landlord.
14. The Tribunal is satisfied that the necessary Notice to Leave has been correctly issued to the Respondent in terms of the Act.
15. The Tribunal was concerned at the Applicant's failure to attend the CMD or provide any notice of her inability to do so. The Tribunal took into account the representations made on behalf of the Applicant, including evidence that she requires to sell the Property for financial reasons. The Tribunal took into account the extensive work required to the Property.

16. The Tribunal took into account the Respondent's representations that he does not wish to live in the Property any longer and is confident he will be housed by the local authority. The Tribunal took into account that the Respondent was not opposing the order and would wish to be re-housed as soon as possible.

17. The Tribunal considered it was reasonable in all the circumstances to grant an eviction order.

Decision

18. An eviction order in respect of the Property is granted which cannot be executed prior to 12 noon on 16th February 2026.

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.

Helen Forbes

Legal Member/Chair

13th January 2026
Date