

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(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”)

Chamber Ref: FTS/HPC/EV/25/1284

Re: 28 Whitelaw Road, Dunfermline, KY11 4RW
 (“the Property”)

Parties:

Mr David Finlayson, 20 Fordell Bank, Dalgety Bay, Dunfermline, Fife, KY11 9NP
 (“the Applicant”)

Mrs Maryiam Munhaas (“the First Respondent”) of 28 Whitelaw Road, Dunfermline, KY11 4RW, and
Mr Mohammed Munhaas (“the Second Respondent”), formerly of 28 Whitelaw Road, Dunfermline, KY11 4RW, and now of 16 Templehall Avenue, Kirkcaldy, KY2 6BZ
 (together “the Respondents”)

Tribunal Members:

Pamela Woodman (Legal Member) and Andrew McFarlane (Ordinary (Surveyor) Member)

Present:

The case management discussion took place at 2pm on Thursday 8 January 2026 by teleconference call (“**the CMD**”). The Applicant was not present but was represented by Mr Stuart Dalziell of Abbey Forth Property Management. The First Respondent was present. The Second Respondent was not present and was not represented. The clerk to the Tribunal was Leo Capocci.

Decision (in the absence of the Second Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted in favour of the Applicant against the Respondents under ground 1 of schedule 3 to the 2016 Act (landlord intends to sell).

BACKGROUND

1. An application had been made to the Tribunal under section 51(1) of the 2016 Act and in terms of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“**HPC Rules**”) which are set out in the schedule to The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017, as amended. More specifically, the application was made in terms of rule 109 (*Application for an eviction order in relation to a private residential tenancy*) of the HPC Rules.
2. The order sought from the Tribunal was an eviction order against the Respondents in respect of the Property on the basis of ground 1 (landlord intends to sell).
3. Ground 1 of schedule 3 to the 2016 Act provides that:
 - “(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.”
4. The application form was dated 25 March 2025 and copies of various documents were provided, including:
 - a. the private residential tenancy agreement between the Applicant and the Respondents dated 20 and 26 February 2024 (“**Tenancy Agreement**”).
 - b. a notice to leave dated 17 October 2024 addressed to the Respondents at the Property (“**Notice to Leave**”), which stated that an application would not be submitted to the Tribunal for an eviction order before 20 January 2025 and that the eviction ground was “Your Landlord intends to sell the Let Property” (ground 1).
 - c. a notice under section 11(3) of the Homelessness etc. (Scotland) Act 2003, together with the covering e-mail sending it to the local authority on 21 March 2025.

5. A notice of acceptance of the application was issued dated 14 August 2025 under rule 9 of the HPC Rules.
6. Neither Respondent had provided any written representations in advance of the CMD.

PROCEEDINGS

7. The First Respondent confirmed that the Second Respondent would not be attending the CMD but that he had already left the Property and was living elsewhere. The Tribunal noted that the Second Respondent had confirmed by e-mail dated 17 October 2024 that he was no longer staying at the Property. The Tribunal was also satisfied that the Second Respondent had been given appropriate notice of the CMD.
8. The First Respondent confirmed that she did not object to the eviction order being granted and that she was waiting for an eviction order so that she may give that to the local authority.
9. Mr Dalziell confirmed that the Applicant still intended to sell the Property, that Abbey Forth Property Management continued to be instructed to deal with the sale (as per the letter dated 16 October 2024 in the case file) and that the Applicant was aware of the wrongful termination provisions in the 2016 Act.
10. Mr Dalziell confirmed that the Applicant had a portfolio of properties but that the Applicant did not want to be a landlord any more, was taking steps to secure vacant possession of each of them at appropriate times, and was intending to sell all of them.

FINDINGS IN FACT

11. The Tribunal noted that the Applicant was the registered proprietor of the Property and so was entitled to sell the Property.
12. The Tribunal was satisfied, on the balance of probabilities, that:
 - a. the First Respondent was still in occupation of the Property and the Second Respondent had already left the Property; and
 - b. the Applicant intended to sell the Property for market value, or at least put it up for sale, within 3 months after both of the Respondents had ceased to occupy the Property.

REASONS FOR DECISION

13. The Tribunal was satisfied, on the balance of probabilities, that:
 - a. the requisite notices were valid and had been validly served (and received by the Respondents);

- b. the Applicant intended to sell the Property and Abbey Forth Property Management was still instructed to progress the sale;
- c. it was reasonable to grant an eviction order in the circumstances of this case. This was on the basis that:
 - i. the Second Respondent had already left the Property;
 - ii. the First Respondent did not object to the eviction order and required an eviction order in order to have the local authority assist her in finding alternative accommodation; and
 - iii. the Applicant no longer wished to be a landlord and so was seeking to sell all of his properties, including the Property.

14. Accordingly, the Tribunal found that ground 1 (landlord intends to sell) of schedule 3 to the 2016 Act applied.

DECISION

15. The Tribunal granted the application under section 51(1) of the 2016 Act for an eviction order on the basis of ground 1 (landlord intends to sell).

Right of Appeal

In terms of Section 46 of the Tribunals (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.

P Woodman

8 January 2026

Legal Member/Chair

Date