



**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/25/2065

Re: Property at 21 Cairn Seat, Inverurie, AB51 5JH (“the Property”)

Parties:

Mrs Marion McNab, Skellyhead, Porters Brae, Kennoway, Leven, KY8 5SQ (“the Applicant”)

Mr Michael Williams, Mrs Jill Williams, 21 Cairn Seat, Inverurie, AB51 5JH (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. On 14th May 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 3rd April 2018;
 - ii. Copy Notice to Leave dated 27th January 2025;
 - iii. Copy email dated 27th January 2025 to the Respondent serving the Notice to Leave;
 - iv. Section 11 Notice and proof of service;

- v. Email from DJ Alexander dated 12th May 2025 confirming instructions to market the property;
 - vi. Home Report.
3. The Application was served on the Respondent by Sheriff Officers on 13th November 2025.

Case Management Discussion

- 4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Miss Burr of DJ Alexander. There was no attendance by the Respondents or any representative on their behalf.
- 5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
- 6. Miss Burr sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She said that the Applicant had owned the property jointly with her husband, and he had been the one who had dealt with all the administration in relation to the letting. He died in 2024 and the Applicant now needs to sell the property to pay off the balance on the mortgage as its term has expired. She no longer wishes to be a landlord. The property is already on the market for sale with Anderson Bain.
- 7. Miss Burr said that she has very little information regarding the Respondents. They are quite unresponsive. A staff member from DJ Alexander visited them in November 2025. They said that they had been unable to get alternative accommodation. Miss Burr said that there are rent arrears of £2600, no payments having been received in September and October 2025. There is a pattern of late payment.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 3rd April 2018;
- b. A Notice To Leave, dated 27th January 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Application was served on the Respondent by Sheriff Officer on 13th November 2025;
- e. The Applicant intends to sell or at least market for sale within three months of the Respondents vacating;
- f. The property is already on the market for sale.

Reasons for Decision

8. Ground 1 of Schedule 3 of the Act states as follows:

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.

9. The Tribunal is satisfied that the ground of eviction has been met. The Tribunal is also satisfied that it is reasonable to grant the eviction order on account of the fact that the Applicant has good reason to sell the property and there is no opposition from the Respondents.

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.

Alison Kelly

Legal Member/Chair

Date: 12/01/2026