



**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/24/5422**

**Re: Property at 65c Ramsay Road, Kirkcaldy, Fife, KY1 1UA ("the Property")**

**Parties:**

**Mr Alan Wilson, 22 Inchgarvie Avenue, Fife, KY3 0BU ("the Applicant")**

**Miss Manuella Cirpaci, 65c Ramsay Road, Kirkcaldy, Fife, KY1 1UA ("the Respondent")**

**Tribunal Members:**

**Gillian Buchanan (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondent)**

At the Case Management Discussion ("CMD") which took place by telephone conference on 14 January 2026, the Applicant was present. The Respondent was not present or represented.

The tribunal was satisfied that the requirements of Rule 24(1) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the Rules") had been satisfied relative to the Respondent having received notice of the CMD and determined to proceed in the absence of the Respondent in terms of Rule 29.

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that –**

**Background**

A CMD had previously taken place on 22 July 2025. That CMD was adjourned to a further CMD to allow the Applicant to produce the following:-

- a. A copy of the section 11 notice and proof of service on the local authority;
- b. Additional evidence in support of selling the Property to alleviate financial hardship, in particular:
  - (i) correspondence from the lender in respect of the mortgage on the Property and the calling up notice;
  - (ii) an update in relation to the hearing in Kirkcaldy Sheriff Court
  - (iii) evidence relating to repossession of all other rental properties;

- (iv) evidence of employment income and outgoings; and
- (v) any other evidence the Applicant wishes to produce.

Prior to the CMD the Applicant lodged additional documentation by emails dated 14 November 2025 and 11 January 2026.

### **The CMD**

At the outset of the CMD the Tribunal noted the Applicant to have produced a section 11 Notice to Fife Council served by email on 14 November 2025.

The Applicant thereafter made the following oral submissions in response to questions from the Tribunal:-

- i. The mortgage over the Property is in favour of The Mortgage Works.
- ii. An order for repossession of the Property has already been granted by the Sheriff at Kirkcaldy Sheriff Court in favour of The Mortgage Works, which is awaiting the outcome of this application before taking any enforcement action.
- iii. The Applicant owns approximately 20 properties, including the Property, all of which are in the course of being repossessed.
- iv. The Applicant previously sold his own home in the hope of keeping his portfolio of properties alive and now lives in rented accommodation.
- v. The properties at 6 Orkney Place, 32 Glen Isla Road and 59 Pratt Street, all Kirkcaldy have been repossessed and sold by the Bank of Scotland leaving a total outstanding liability by the Applicant to the Bank of Scotland of approximately £71,000 relative to which the Applicant is taking advice.
- vi. The income and expenditure form produced reflects the joint income and outgoings of the Applicant and his wife.
- vii. The Applicant is employed as an accountant in a manufacturing setting.
- viii. With regard to any rental income from the various properties still owned by him, the Applicant said that some months there is no rental income. Once the tenants identify a legal process taking place they stop paying. The Applicant still has outlays associated with the properties.
- ix. The Respondent continues to live in the Property with her teenage daughter and as recently as 13 January 2026 the Applicant was contacted for a reference reflecting the Respondent seeking alternative accommodation. A neighbour has advised the Applicant that others also frequent the Property.
- x. The Applicant is not sure whether the Respondent's daughter is still at school.
- xi. There are no health issues affecting the Respondent and her daughter insofar as the Applicant is aware.
- xii. The Respondent is understood to be waiting for an eviction order to be granted.

### **Findings in Fact**

The Tribunal made the following findings in fact –

- i. The parties entered into the PRT relative to the Property that commenced on 28 August 2023.
- ii. On entering in the PRT the Applicant was then the heritable proprietor of the Property.
- iii. The Property has been repossessed by the mortgage provider, The Mortgage Works, obtaining from the Sheriff at Kirkcaldy Sheriff Court, an order in appropriate terms.
- iv. On 29 February 2024, the Applicant served on the Respondent a Notice to Leave requiring the Respondent remove from the Property by 25 May 2024 on the basis of Ground 1A of Schedule 3 of the 2016 Act.

- v. The Applicant has served on Fife Council a Notice under Section 11 of the Homelessness etc (Scotland) Act 2003.
- vi. The Applicant intends to sell the Property, failing which the property will be sold by The Mortgage Works.
- vii. The Applicant had around 20 other rental properties, three of which have been repossessed and sold by the Bank of Scotland leaving debt due by the Applicant totalling around £71,000, and the others are all in the course of repossession proceedings.
- viii. The Applicant and his wife have only a small surplus of income against their outgoings each month.
- ix. The Applicant does not generate much rental income from the properties still owned by him but continues to have liabilities therefore.
- x. The Applicant is in financial difficulties and has suffered and continues to suffer financial hardship.
- xi. The Respondent continues to live in the Property with her teenage daughter.
- xii. The Respondent has no known disability or health condition.
- xiii. The Affidavit of the Applicant dated 8 May 2025 is sufficient evidence of the Applicant's intention to sell the Property.

### **Reasons for Decision**

The Respondent did not submit any representations to the Tribunal and did not attend either CMD. The factual background narrated by the Applicant within the application papers, emails and orally at the CMD was not challenged and was accepted by the Tribunal. The Applicant spoke credibly and reliably.

The Application seeks an eviction order under Ground 1A of Schedule 3 of the 2016 Act which was in force when the Notice to Leave was served by the Applicant on the Respondent.

Ground 1A states:-

#### **"1A Landlord intends to sell property to alleviate financial hardship**

- (1) *It is an eviction ground that the landlord intends to sell the let property to alleviate financial hardship.*
- (2) *The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—*
  - (a) *the landlord—*
    - (i) *is entitled to sell the let property,*
    - (ii) *is suffering financial hardship, and*
    - (iii) *intends to alleviate that hardship by selling the let property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and*
  - (b) *the Tribunal is satisfied that it is reasonable to issue an eviction order.*
- (3) *Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(a)(iii) includes (for example)—*
  - (a) *a letter of advice from an approved money advisor or a local authority debt advice service,*
  - (b) *a letter of advice from an independent financial advisor,*
  - (c) *a letter of advice from a chartered accountant,*
  - (d) *a letter of engagement from a solicitor or estate agent concerning the sale of the let property,*
  - (e) *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, and*
  - (f) *an affidavit stating that the landlord has that intention."*

The Applicant is entitled to sell the Property in terms of sub-paragraph 2(a)(i).

The Applicant is suffering financial hardship in terms of sub-paragraph 2(a)(ii). Evidence produced by the Applicant shows that three of his properties have been repossessed and sold by the Bank of Scotland leaving unpaid debt of approximately £71,000 due by the Applicant. The Property has also been repossessed by The Mortgage Works and another 16 or so properties are all undergoing repossessions. The income and expenditure statement of the Applicant and his wife discloses a nominal surplus of income against outgoings each month and it is apparent that the Applicant's property business has failed and has caused and will continue to cause the Applicant financial hardship given the negative equity position of a number (if not all) of these properties.

Sub-paragraph 2(a)(iii) requires that the Applicant intends to sell the Property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it. Sub-paragraph 3 gives examples of the evidence that might be produced to show the landlord has the intention described in sub-paragraph 2(b). In this instance the Applicant relies upon an affidavit dated 8 May 2025. The Tribunal accepts this document as sufficient to meet the terms of sub-paragraph 2(a)(iii).

The Tribunal also requires to be satisfied that it is reasonable to issue an eviction order in terms of sub-paragraph 2(b). The Tribunal took into account the following:-

- i. The Property has been repossessed and will be sold by the lender, being The Mortgage Works, if not sold by the Applicant. On any view, the Respondent will require to remove.
- ii. The Respondent does not oppose the grant of an eviction order.
- iii. The Respondent is looking for alternative accommodation and the grant of an eviction order may assist her in any public sector housing application, thereby giving her priority and allowing her to settle with her daughter elsewhere.
- iv. To compel the Applicant to retain the Property given his financial predicament and the repossession order relative to the Property would not be a reasonable proposition.

On that basis the Tribunal considered it reasonable to grant an eviction order in terms of Ground 1A of Schedule 3 of the 2016 Act.

### **Decision**

The Tribunal grants an eviction order against the Respondent in favour of the Applicant under Ground 1A of Schedule 3 of the 2016 Act.

### **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.**

Gillian Buchanan

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Legal Member/Chair

14 January 2026  
Date