



**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/25/3533**

**Re: Property at 142 Lady Campbells Court, Dunfermline,, Fife, KY12 0LE (“the Property”)**

**Parties:**

**Mr James Anderson, 4 McDougall Court, Murthy, PH1 4DD (“the Applicant”)**

**Matthew Irvine, Natalie Irvine, 142 Lady Campbells Court, Dunfermline, Fife, KY12 0LE (“the Respondents”)**

**Tribunal Members:**

**Andrew Upton (Legal Member) and Mary Lyden (Ordinary Member)**

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

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that (i) the Applicant intends to sell the Property, (ii) it is reasonable to grant the eviction order, (iii) Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 is satisfied, (iv) an eviction order should be granted, and (v) for the purposes of section 51(4) of the 2016 Act the Private Residential Tenancy will terminate on 19 March 2026.**

**Statement of Reasons**

1. This Application called for its Case Management Discussion by teleconference call on 16 February 2026. The Applicant was represented by Miss Capaldi. The Respondents were not present or represented.
2. In this Application the Applicant seeks an eviction order. He contends that he intends to sell the Property, that it is reasonable to grant an eviction order, and that Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) is satisfied.

3. Miss Capaldi advised the Tribunal that the Applicant has recently become a new father. He is currently living in rented accommodation that is not suitable for his family's needs. He intends to apply the net free proceeds of sale of the Property to acquire a suitable family home. Separately, the contractual monthly instalments that he has been paying in respect of the mortgage have recently increased and is now causing him some financial hardship. There is outstanding mortgage lending of £127,175 secured against the Property. The Property is a three-bedroom flat. The Applicant is unaware of the Respondents' family circumstances but believes that there may be a teenager living at the Property. The Applicant is unaware of the Respondents' employment status. They have no disclosed health conditions. There are no rent arrears. Notice has been received by the local authority regarding rehousing but the Applicant does not know what discussions, if any, have taken place between the Respondents and the local authority regarding rehousing. The last contact received from the Respondents was in August 2025.
4. In terms Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a CMD that it may do at a Hearing including make a decision. When making a decision, the Tribunal must have regard to the overriding objective in Rule 2 to deal with proceedings justly, including by avoiding unnecessary delay.
5. The Respondents did not appear or lodge written representations. They have received intimation of the Application and the CMD, so their failure to oppose the Application was a deliberate decision. The Tribunal was satisfied that the Respondents did not oppose the Application. In particular, no contrary position was stated to the Applicant's contentions that (i) he intended to sell the Property, or (ii) it was reasonable to grant the eviction order.
6. In the circumstances, the Tribunal unanimously determined that (i) the Applicant intends to sell the Property, and (ii) it is reasonable to grant the eviction order, (iii) Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 is satisfied. The Tribunal accordingly granted the eviction order.
7. For the purposes of section 51(4) of the 2016 Act, the Tribunal determined that the Private Residential Tenancy between the parties will terminate on 19 March 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.**

Andrew Upton

16<sup>th</sup> February 2026

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Legal Member/Chair

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Date