



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/24/5658

Re: Property at 56 Thomson Crescent, Port Seton, East Lothian, EH32 0AU ("the Property")

Parties:

Miss Lindsay Green, 6 Greentowers Road, Cartland, Lanark, ML11 7RD ("the Applicant")

Mr Ahmed Khalaf Abodu Sayed Ahmed, Sharon Johnstone, 56 Thomson Crescent, Port Seton, East Lothian, EH32 0AU ("the Respondents")

Tribunal Members:

Fiona Watson (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order is granted against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- Background

1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the Rules"). Said application sought a repossession order against the Respondents on the basis of the Applicant's intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ("2016 Act").

- Case Management Discussion

2. A Case Management Discussion (“CMD”) took place on 19 December 2025. The Applicant was personally present and was represented by Alistair Butterly of Whyte Fraser, solicitors. The second-named Respondent was personally present. The first-named Respondent was unable to attend due to having had to travel abroad for family reasons.
3. The Applicant’s representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement (“the Agreement”), which commenced 21 March 2022. The Applicant intended to sell the Property and required vacant possession in order to do so. A Notice to Leave had been served on the Respondents on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 19 August 2024. The Respondents remained in the Property.
4. The Applicant submitted that she wished to sell in order to release the equity in the Property should she require to purchase an alternative property to live in. She does not own any other properties. She resides with her partner in a property owned by him. Her partner has been diagnosed with cancer. The Applicant is employed in a company owned by her partner. If anything should happen to her partner as a result of his ill health, this will affect both her housing situation and her employment/financial situation. She requires to sell the Property in order to release the equity and be able to buy another property to live in if needed. It was submitted that the Applicant would be agreeable to allowing the Respondents a longer period before enforcement of the Order, if granted.
5. The second-named Respondent expressed her sympathies with the Applicant’s personal situation. It was submitted that there had been repairing issues and mould affecting the Property which had caused distress and illness. The second-named Respondent suffers from ill-health and is disabled. She recently suffered a heart attack. The Respondents have been searching for an alternative property to reside in and have been liaising with four housing associations and two local authorities to obtain suitable housing. A recent OT assessment was carried out as a result of which, the Respondents have been allocated additional housing points and increased priority. The Respondents require to move to an alternative property which is suitable for the second-named Respondent’s particular needs.

6. The following documents were lodged alongside the application:

- (i) Copy Private Residential Tenancy Agreement
- (ii) Copy Notice to Leave
- (iii) Proof of service of the Notice to Leave by email
- (iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
- (v) Copy correspondence with the Respondents

- Findings in Fact

7. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 21 March 2022;
- (ii) The Applicant is the heritable proprietor of the Property;
- (iii) The Applicant is entitled to sell the Property and intends to do so;
- (iv) The Applicant has served a Notice to Leave on the Respondents on the basis of Ground 1 of Schedule 3 to the 2016 Act;
- (v) No defence to the Ground relied upon in the application is stated;
- (vi) It is reasonable to grant the Order.

- Reasons for Decision

8. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicant is the heritable proprietor of the Property and intends to sell the property. The Tribunal was satisfied that a Notice to Leave had been served on the Respondents and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act.

9. The Tribunal was satisfied that it was reasonable to grant the Order in the circumstances. The Applicant requires to sell the Property in order to release the equity therein, should she require to obtain her own alternative housing given her partner's ill-health. She does not own any other properties. Whilst the Tribunal noted the Respondent's submissions regarding there having been repairing issues and mould in the Property during their period of occupation, this was of no relevance to the ground being relied upon in the application and no stateable defence to same was made. The Tribunal considered the second-named Respondent's health issues and disability, and considered it both appropriate and reasonable given the time of year, and the particular needs of the respondent, that the enforcement period of the Order be delayed for a period of three months to give additional time for suitable accommodation to be found.

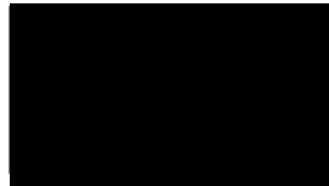
- Decision

10. The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.



Legal Member/Chair

Date: 19 December 2025