



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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Ref: FTS/HPC/EV/25/3050

Re: Property at Braeriach, Rosebank Lane, Forfar, DD8 2BE (the Property)

Parties:

Cynthias Crowley, Devenden Farm, Sandhurst Lane, Rolvenden, Cranbrook, TN17 4PH (the Applicant)

Gilson Gray LLP, 29 Rutland Square, Edinburgh, EH1 2BW (the Applicant's Representative)

Cameron Muir, Braeriach, Rosebank Lane, Forfar, DD8 2BE (the Respondent)

Tribunal Members:

Ms. Susanne L. M. Tanner K.C. (Legal Member)

Mrs. Sara Hesp (Ordinary Member)

Decision (made in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely the landlord is entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal on 15 July 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seek an order for eviction of the Respondents from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenants ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
 - 3.1. Notice to Leave;
 - 3.2. Execution of service;
 - 3.3. Section 11 Notice; and
 - 3.4. Estate Agency Mandate.
4. The tribunal's administration obtained the title deeds for the Property on which showed that the Applicant is the heritable proprietor.
5. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 14 November 2025 of the date, time and place of Case Management Discussion (CMD) in relation to the Application. The Respondent was invited to make written representations in response to the Application by 5 December 2025. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair. The Application paperwork and notification was personally served on the Respondent by Sheriff Officers.
7. On 1 December, the Applicant's Representative sent written submissions to the tribunal which were crossed over to the Respondent.

Case Management Discussion (CMD): 13 January 2026, 1400, Teleconference

8. The Applicant's Representative attended.
9. The Respondent did not attend.
10. The tribunal was satisfied that the requirements of rule 24(1) regarding the giving of notice of a hearing were duly complied with and proceeded with the Application upon the representations of the party present and all the material before it.

Submissions by Applicant's Representative

11. Mr Gray, the Applicant's Representative, sought an eviction order.
12. He referred to and adopted the submissions in the Application paper apart and the written submissions dated 1 December 2025.
13. Mr Gray stated that his firm has had no contact at all with the Respondent since the Application was made. He does not know whether the Applicant has had any recent contact with the Respondent. Due to her location and age (she is 90 years' old) she has been unable to travel to the Property recently to carry out inspections. She manages the Property herself.
14. The Applicant's last contact with the Respondent was on 13 March 2025, at which time the Respondent told the Applicant that he was making arrangements to vacate and asked for additional time. The Applicant and Respondent agreed to an additional couple of months with the objective of him finding another property. He did not manage to do so and the Applicant then instructed solicitors.
15. Mr Gray referred to the information about the Respondent's personal circumstances in his written submissions. He said that he has no additional information about the Respondent's personal circumstances.
16. The Property is a two bedroomed property and it has not been adapted for disabilities. The Applicant is aware that the Respondent has at times had children, friends and family staying with him but Mr Gray does not have any up to date information about whether there are children regularly residing in the Property at this time.
17. The tenancy started on 1 March 2020 and the property required renovation at that time which the Respondent did in lieu of paying rent at the start of the tenancy.

18. The Respondent is completely up to date with rent. As far as Mr Gray is aware, the Respondent receives benefits due to ill health but pays the rent directly to the Applicant himself.
19. So far as the Applicant is aware, the Respondent is still continuing to reside in the Property. They have not been notified that he has left.
20. Mr Gray said this is the Applicant's only rental property. She also has the one that she lives in. She wants to free funds to do repairs to her own home and that is the reason for her intention to sell. She has instructed a property agent to sell the Property once she has vacant possession.

21. The tribunal makes the following findings-in-fact:

- 21.1. The Applicant is the registered proprietor of the Property.
- 21.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 1 March 2020.
- 21.3. The Applicant requires to sell the Property with vacant possession.
- 21.4. The Applicant is 90 years' old and requires the sale proceeds from the Property to fund works on her own home.
- 21.5. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent ceasing to occupy it.
- 21.6. The Applicant has instructed a property company to market the Property for sale once there is vacant possession.
- 21.7. Notice to Leave was served on the Respondent on 10 March 2025 under Ground 1 of Schedule 3.
- 21.8. The Respondent continues to reside in the Property.
- 21.9. The Respondent's rent account is up to date.
- 21.10. The Property is not adapted for disabilities.

Discussion

22. The Application for an order for eviction was not opposed and the Respondent did not attend.

23. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
24. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction.
25. The tribunal therefore made an order for eviction in terms of Section 51 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.

Susanne Tanner KC

13 January 2026

Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair