



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/25/3078

Re: Property at 5 Ramsay Road, Kirkcaldy, Fife, KY1 1UA (“the Property”)

Parties:

Mr Shane Halstead, 11 Barnet Crescent, Kirkcaldy, Fife, KY1 1QU (“the Applicant”)

Lisa Fyfe, 5 Ramsay Road, Kirkcaldy, Fife, KY1 1UA (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) have been met in this case and that it would be reasonable to make an eviction order.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 51(4) of the 2016 Act, the private residential tenancy between the parties will end on 22 February 2026.

Background

- 1 This is an application for an eviction order under rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 and section 51 of the 2016 Act. The Applicant relied upon ground 1 as the ground for possession, stating that the Applicant intended to sell the property.
- 2 The application was referred to a case management discussion (“CMD”) to take place by teleconference on 22 January 2026. The Tribunal gave notice of the

CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 27 November 2025.

- 3 Both parties were invited to make written representations. No written representations were received in advance of the CMD.

The CMD

- 4 The CMD took place on 22 January 2026 at 2pm by teleconference. The Applicant was represented by Mrs Helen Couser of Fife Letting Service. The Respondent also joined the call.

- 5 The Tribunal had the following information before it:-

- (i) Form E application form dated 16 July 2025;
- (ii) Title sheet confirming the Applicant as the registered owner of the property;
- (iii) Excerpt from the online landlord register confirming the Applicant's landlord registration;
- (iv) Private residential tenancy agreement between the parties;
- (v) Notice to leave together with proof of service upon the Respondent;
- (vi) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") together with proof of delivery by email; and
- (vii) Copy letter from MacGregor Limited Solicitors confirming receipt of the Applicant's instructions to sell the property; and
- (viii) Mandate from the Applicant authorising Fife Letting Service to act as his representative.

- 6 The Tribunal heard submissions from the parties on the application. For the avoidance of doubt the following is a summary of the key elements of the submissions and does not constitute a verbatim account of the proceedings.

- 7 Mrs Couser explained that the Applicant had sent the Respondent a notice to leave as he intends on selling the property. The property previously had a mortgage that was due to expire and due to the Applicant's age he was unable to refinance. The mortgage term has now expired and the Applicant had to draw funds from elsewhere to repay the outstanding balance. The Applicant needs to sell the property to recover the funds spent on the mortgage. He has seven rental properties which provide his sole income.

- 8 The Respondent does not oppose the eviction order. She went straight to the local authority when she received the notice to leave. The local authority told her they could not do anything for her until she has an eviction order. The Respondent is willing to leave the property. She just wants to move on. She has two children aged 5 and 14. The Respondent confirmed that she has made an application for council housing that will be given priority once an eviction order is granted.

- 9 The Tribunal adjourned the CMD to deliberate, at which point the parties left the call, before resuming the discussion and confirming the outcome.

Findings in fact

- 10 The Applicant is the owner and landlord, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement which commenced on 9 February 2022.
- 11 The Applicant has sent the Respondent a notice to leave by email which includes ground 1. The Respondent consented to the delivery of notices by email under the terms of the tenancy agreement.
- 12 The Applicant has sent the local authority a section 11 notice as required by section 56 of the Private Housing (Tenancies) (Scotland) Act 2016.
- 13 The Applicant intends to sell the property, or market the property for sale, within three months of the Respondent ceasing to occupy it.
- 14 The Applicant has instructed solicitors to market and sell the property on his behalf.
- 15 The property previously had a mortgage, the term of which has now expired. The Applicant had to draw funds from other sources to repay the outstanding balance on the mortgage. The Applicant requires to sell the property to recoup those funds.
- 16 The Applicant has seven rental properties. The Applicant relies upon the rent from the properties for his sole income.
- 17 The Respondent resides in the property with her children aged 5 and 14.
- 18 The Respondent does not oppose the eviction order. The Respondent has applied for rehousing with the local authority. The eviction order will assist the Respondent by prioritising her application for council housing.

Reasons for decision

- 19 The Tribunal was satisfied it had sufficient information before it to make relevant findings in fact and reach a decision on the application having regard to the application paperwork and the submissions heard at the CMD. In terms of Rule 17(4) and Rule 18(1) of the Rules the Tribunal determined that it could make a decision at the CMD as there were no issues to be resolved that would require a hearing and the Tribunal was satisfied that to make a decision would not be contrary to the interests of the parties.
- 20 The Tribunal considered the wording of section 51:-

“51 First-tier Tribunal's power to issue an eviction order

(1) The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may... find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order."

- 21 Section 52 of the 2016 Act goes on to state that "*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.*" The Tribunal had before it a copy of a notice to leave that had been sent to the Respondent which cites ground 1 of schedule 3 of the 2016 Act. The Tribunal was also satisfied that the Applicant had sent a section 11 notice to the local authority in accordance with the requirements of section 56 of the 2016 Act.

- 22 The Tribunal therefore considered ground 1 of schedule 3 of the 2016 Act:-

"Landlord intends to sell

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."

- 23 The Tribunal was satisfied based on the documents before it and the submissions from Mrs Couser at the CMD that the Applicant is entitled to sell the property as the heritable owner, and that he intends to do so within three months of the tenancy vacating. His reasons for selling the property, to recover the funds spent on repaying the mortgage balance, were entirely credible.

- 24 The Tribunal therefore considered whether it was reasonable to make an eviction order on account of the facts in this case.
- 25 The Tribunal considered the Applicant's property rights. As the registered owner of the property, he was entitled to dispose of the property as he saw fit. The Tribunal also considered his reasons for selling the property. These were both factors to which the Tribunal gave significant weight.
- 26 The Tribunal carefully considered the Respondent's circumstances. The Tribunal noted that the Respondent wishes to be rehoused by the local authority, and that an eviction order will assist her in that process. Whilst the impact of eviction upon the Respondent and her children was a cause for concern, ultimately the Respondent had not sought to oppose the eviction order. The Tribunal was also aware that the local authority would have a duty to provide her with accommodation if an eviction order is granted.
- 27 Accordingly, having weighed the above factors as relevant to the question of reasonableness, the Tribunal concluded that the balance weighed in favour of making an eviction order in this case.
- 28 The decision of the Tribunal was unanimous.

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

Ruth O'Hare

22 January 2026

Date