

# Housing and Property Chamber

## First-tier Tribunal for Scotland



**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/25/3198**

**Re: Property at 79 Bittern Court, Dunfermline, Fife, KY11 8HF ("the Property")**

### **Parties:**

**Mr David Crichton, residing at 4 Scotmill Road, Blackburn, Aberdeen, AB21 0HG ("the Applicant") and**

**Jackson Boyd LLP, 124 St Vincent Street, Glasgow G2 5HF ("the Applicant's Representative") and**

**Miss Lauren Maureen Gresty and Mr Ross Andrew Johnston, both residing at 79 Bittern Court, Dunfermline, Fife, KY11 8HF ("the Respondents")**

### **Tribunal Members:**

**G McWilliams- Legal Member  
A Lamont- Ordinary Member**

### **Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined as follows:**

### **Background**

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 ("the 2017 Rules").
2. The Applicant, Mr Crichton, through his Representative, had provided the Tribunal, in the Application, with copies of the parties' Private Residential Tenancy Agreement ("the PRT"), the Notice to Leave ("NTL") served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Fife Council. All of these documents and forms had been correctly and validly prepared in terms of the provisions of the relevant

legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondents, Miss Gresty and Mr Johnston, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 18th November 2025, and the Sheriff Officers' Certificate of Intimation was produced.

### **Case Management Discussion on 13th January 2026**

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 13<sup>th</sup> January 2026. The Applicant's Representative's Mr T McTigue and the Respondents Miss Gresty and Mr Johnston attended.
5. Mr McTigue referred to the Application papers, including Mr Crichton's Affidavit. He stated that Mr Crichton still wishes to sell the Property as he no longer wants to be a landlord. He said that Mr Crichton's fixed rate mortgage loan, for the Property, expires in July 2026. Mr McTigue stated that Miss Gresty and Mr Johnston have been excellent tenants and that Mr Crichton would be agreeable to the grant of an eviction order with a deferred enforcement date to assist Miss Gresty and Mr Johnston in respect of their current application Fife Council for another tenancy.
6. Miss Gresty, on behalf of herself and Mr Johnston, said that Mr Crichton has been an excellent landlord. She said that they have applied to Fife Council for a tenancy and that the grant of an eviction order will give their application priority. She stated that an eviction order with a deferred enforcement date will hopefully give Fife Council sufficient time to allocate a suitable rental property to her and Mr Johnston. She said that they hope to obtain a new tenancy in Dunfermline as she has caring responsibilities for her parents who live near to the Property. Miss Gresty and Mr Johnston also said that they both work in the Dunfermline area.

### **Statement of Reasons**

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting documents. The Tribunal also considered the statements and submissions made by Mr McTigue and Miss Gresty at the CMD. Having done so, the Tribunal found in fact that Mr Crichton seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is

satisfied. Given that Mr Crichton, and Miss Gresty and Mr Johnston, all seek the grant of an eviction order the Tribunal found that it is reasonable to make such an order. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 13<sup>th</sup> April 2026. In reaching the latter decision the Tribunal, in particular, placed reliance on their own knowledge that local authorities are very busy dealing with applications for social housing. Mr McTigue and Miss Gresty had stated that all parties were agreeable to the grant of an order with a deferred enforcement date.

### **Decision**

10. The Tribunal therefore makes an eviction order as sought in this Application, with a deferred enforcement date of 13<sup>th</sup> April 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.**

Gerald McWilliams

Tribunal Legal Member

Date: 13<sup>th</sup> January 2026