



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/2244

Re: Property at 48 Fells Rigg, Livingston, West Lothian, EH54 8PA (“the Property”)

Parties:

Dwel Ltd, 13 Duncan Green, Livingston, West Lothian, EH54 8PR (“the Applicant”)

Ms Jenna Kirk, 48 Fells Rigg, Livingston, West Lothian, EH54 8PA (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 12th December 2019, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 14th January 2026.

The Case Management Discussion

3. A Case Management Discussion (“CMD”) took place by telephone conference on 19th February 2026. Mrs Wendy White and Mr David White were in

attendance on behalf of the Applicant. The Respondent was in attendance and supported by Ms Sandra Lapsley.

4. Mrs White said she and Mr White are directors of the Applicant company. They are seeking an eviction order as they have now retired. They loaned money to the Applicant company to purchase the Property, which is one of six properties owned by the Applicant. Mr and Mrs White now wish to have the loan repaid, and this can only happen if the Property is sold.
5. The Respondent confirmed receipt of the notice to leave and said she was not opposing the order. The Respondent, who lives with her two adult children, has been in touch with the local authority and is seeking social housing. The Respondent said she has been told she will be considered for social housing if an eviction order is granted, and she and her family will be provided with accommodation. The Respondent said she was keen to be provided with social housing.
6. The Respondent confirmed she was aware of the timescales involved in the execution of an eviction order, and said she was not seeking any additional time.
7. The Tribunal adjourned to consider matters.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 12th December 2019.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, 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 the Tribunal is satisfied that it is reasonable on

account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

10. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.

11. The Applicant requires to sell the Property to repay a loan to two retired directors.

12. The Respondent is not opposing the order as she is seeking social housing, and this is unlikely to be provided unless an eviction order is granted and she is deemed to be homeless

13. The Tribunal considered it was reasonable to grant the order sought.

Decision

14. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 24th 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.

Helen Forbes

Legal Member/Chair

19th February 2026
Date