

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/25/2664

Re: Property at 47 Wilson Avenue, Prestonpans, EH32 9PD (“the Property”)

Parties:

Mr Gudmund Friis Jorgensen, 132 St Stephen Street, Edinburgh, EH3 5AA (“the Applicant”) and

Lindsays LLP, Caledonian Exchange, 19A Canning Street, Edinburgh, EH3 8HE (“the Applicant’s Representative”) and

Ms Kirsteen McCallum, 47 Wilson Avenue, Prestonpans, EH32 9PD (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
J Green - Ordinary Member**

Decision:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant the Application.

Background and Case Management Discussion on 15th December 2025

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 Applicants’ 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 East Lothian 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 Respondent, Ms K McCallum, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 28th October 2025, and the Sheriff Officers' Certificate of Intimation was produced.
4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 2.00pm on 15th December 2025. The Applicant's Representative's Mr A Gardiner and the Respondent, Ms McCallum, attended.
5. Mr Gardiner referred to the Application papers that he had sent to the Tribunal's office. He stated that the Applicant Mr G Friis Jorgensen, through his son, Mr N Friis Jorgensen, in terms of a Power of Attorney dated 17th August 2023, wishes to recover possession of the Property and sell it for financial reasons. Mr Gardiner stated that Messrs Friis Jorgensen would agree to an eviction order with a short, deferred enforcement date being granted to give Ms McCallum and her son more time to move into the new property in respect of which they have obtained another tenancy agreement. Mr Gardiner stated that Ms McCallum's rent for the Property is up to date.
6. Ms McCallum stated that she and her son have obtained a tenancy in respect of another property and they are in the course of moving their belongings and furniture etc from the Property to their new home. Ms McCallum said that she is a carer for her elderly mother and the time that she devotes to care has been delaying completion of her and her son's move to their new accommodation. Ms McCallum said that she and her son would wish the Tribunal to consider granting a short, deferred enforcement date to allow time for them to complete their move. Ms McCallum stated that her rent payments for the Property are up to date.

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 papers, and the submissions made by Mr Gardiner and Ms McCallum. Having done so, the Tribunal found in fact that Messrs Friis Jorgensen seek recovery of the Property in order to sell it and that Ms McCallum has obtained an

alternative tenancy. The Tribunal found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied and that it is reasonable to grant an eviction order.

10. The Tribunal also decided that it is reasonable to grant an eviction order with a deferred enforcement date of 16th February 2026. In reaching the latter decision the Tribunal placed reliance on their own knowledge that housing organisations are very busy dealing with applications for tenancies and they may be delayed in processing such applications giving the forthcoming festive holiday period. Mr Gardiner and Ms McCallum each stated that they were agreeable to the grant of the order with that deferred enforcement date.

Decision

11. The Tribunal granted an order for Mr G. Friis Jorgensen's recovery of possession of the Property as sought in the Application, with a deferred enforcement date of 16th February 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.

G McWilliams

15th December 2025

Legal Member

Date