

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/25/1292

Re: Property at 22/1 Oxgangs Farm Drive, Edinburgh, EH13 9QQ (“the Property”)

Parties:

Mr Stuart Michie, 55 Oxgangs Farm Grove, Edinburgh, EH13 9PP (“the Applicant”) and

Clarity Simplicity Solicitors, 34 Woodlands Road, Glasgow, G3 6UR (“the Applicant’s Representative” and

Ms Dawn Balfour, 22/1 Oxgangs Farm Drive, Edinburgh, EH13 9QQ (“the Respondent”) and

CHAI (Community Help and Advice Initiative) 28 Westfield Avenue, Edinburgh EH11 2QH (“the Respondent’s Representative”)

Tribunal Members:

**G McWilliams- Legal Member
E Shand - 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's 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 Edinburgh City 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.

Case Management Discussions

3. A Case Management Discussion ("CMD") had proceeded remotely by telephone conference call on 31st October 2025. Reference is made to the Notes on that CMD
4. A further CMD proceeded remotely by tele-conference call at 10.00am on 10th February 2026. The Applicant's Representative's Ms D Walker attended as did the Respondent's Representative's Ms S Bennett.
5. Ms Walker stated that the Applicant still wishes to sell the Property given that he is 68 years of age, has health conditions and as his mortgage agreement in respect of the Property has expired. Ms Walker stated that the Applicant has recently been able to obtain an extension to his mortgage agreement until December 2026. She said that the Applicant would be agreeable to having an eviction order granted with a suitable deferred enforcement period to allow the Respondent sufficient time to obtain another tenancy. She said that the Applicant will not seek to enforce an eviction order, to allow time for the Respondent to obtain another tenancy, unless absolutely necessary in terms of his agreement with his mortgage lender.
6. Ms Bennett stated that given the Respondent's, own and her elder son's, health conditions the Respondent does wish to obtain another tenancy and has applied to Edinburgh City Council in this regard. Ms Bennett said that she is assisting the Respondent with her application. She said that the Respondent is agreeable to an eviction order being granted with a suitable enforcement date.
7. After a pause in the CMD, during which both Ms Walker and Ms Bennett discussed matters further with their respective clients, both stated that the grant of an eviction order with a deferred enforcement date of 1st June 2026 was agreed. Ms Walker re-iterated that the Applicant does not want to have to enforce any order unless absolutely necessary.

Statement of Reasons

8. 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.

9. 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.
10. The Tribunal considered the Application papers and the statements and submissions made by Ms Walker and Ms Bennett at the CMD. Having done so the Tribunal found in fact that the Applicant Mr Stuart Michie 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 both the Applicant Mr Michie and the Respondent Ms Balfour seek the grant of an eviction order the Tribunal found it reasonable to make such an order. The Tribunal also decided that it was reasonable to grant an eviction order with deferred enforcement date of 1st June 2026, which date was agreed by Mr Michie and Ms Balfour through their Representatives' Ms Walker and Ms Bennett.

Decision

11. The Tribunal therefore makes an eviction order as sought in this Application with a deferred enforcement date of 1st June 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

Tribunal Legal Member

10th February 2026

Date