



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies)(Scotland) Act 2016.**

**Chamber Ref: FTS/HPC/EV/25/2800**

**Re: Property at Windmill View, Station Road, Oxton, TD2 6PW (“the Property”)**

**Parties:**

**Mr Craig Harris, 75 Sauchenbush Road, Kirkcaldy, KY2 5RN (“the Applicant”)**

**Ms Della Murray, Windmill View, Station Road, Oxton, TD2 6PW (“the Respondent”)**

**Tribunal Members:**

**Lesley Ward (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision**

**1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent shall be evicted from the property on the basis of ground 1 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord wishes to sell), the tribunal being satisfied that it is reasonable in all of the circumstances that the eviction be granted.**

**Background**

**2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). There was a second application before the tribunal to recover rent arrears in terms of rule 111. The Applicants were represented by Ms Kathrine Schneider of Lowrie Property Ltd. The Respondent attended.**

**3. The tribunal had before it the following copy documents:**

- (1) Private Residential Tenancy Agreement dated 20 September 2024.
- (2) Notice to leave dated 19 March 2025.
- (3) Proof of service of the notice to leave.
- (4) Rent statement
- (5) Evidence in support of the eviction ground.
- (6) Section 11 notice and proof of service.
- (7) Land certificate.
- (8) Evidence of landlord registration.

### **Case management discussion**

4. The Applicant was seeking an eviction order on the basis that he wishes to sell the property. The rent arrears have also increased from £5600 to £7700 since the application was made. The Respondent did not dispute the rent arrears. She feels aggrieved that the Applicant decided to sell the property so soon after she took entry in September 2024 as she wanted to stay in it long term. She has contacted the local authority to make a housing application and they have advised her if she moves out before the eviction is granted she will be intentionally homeless. The Respondent invited the tribunal to consider postponing the enforcement period of the order to give her more time for the council to rehouse her. The Applicant was concerned about a postponement period as further rent arrears would be likely to accrue.

### **5. Findings in fact**

- The Applicant is the husband of the owner of the property, Kerri Helen Harris.
- The Applicant is the registered landlord of the property.
- Acting under his wife's authority the Applicant entered into a private residential tenancy agreement with the Respondent for let of the property on 20 September 2024.
- The agreed rent was £700.
- The Applicant wishes to sell the property.
- A valid notice to leave was served on the respondent on 19 March 2025.
- The Respondent confirmed to the Applicant's representative on 19 March 2025 that she had received the notice to leave.
- Rent arrears began to accrue in March 2025.
- On 11 November 2025 the accrued rent arrears were £5600.
- On 11 February 2026 the accrued rent arrears were £7700.

### **Reasons**

6. The Respondent is not opposed to the eviction application. The Respondent had contacted the housing department of her local authority and has been advised that

they will not rehouse her until the eviction order is granted. The Respondent does not dispute the rent arrears. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal was satisfied that it was reasonable in all of the circumstances that the eviction order be granted. The tribunal decided it was fair to postpone enforcement of the eviction order for a short time until after the Easter Holidays.

### **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.**

**L Ward**

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**Legal Member/Chair**

**11 February 2026**

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**Date**