

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/25/3299

Re: Property at 9 Marshall Place, Kinross, KY13 9XW (“the Property”)

Parties:

Mr William Campbell, Mrs Wilma Campbell, 19 Commercial Street, Markinch, KY7 6DE (“the Applicants”)

Mr Istvan Elek, 9 Marshall Place, Kinross, KY13 9XW (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

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). The Applicants were represented by Ms Mhari McPherson of Kippen Campbell Solicitors. The Respondent did not attend and was not represented. The tribunal had sight of the execution of service by sheriff officers dated 12 January 2026 and was satisfied that the Respondent had received notice in terms of Rule 24. The tribunal proceeded with the CMD in terms of Rule 29.

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

- (1) Private Residential Tenancy Agreement dated 25 May 2018.
- (2) Notice to leave dated 19 November 2024.
- (3) Proof of posting 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.
- (9) Correspondence from Perth and Kinross Council dated 29 November 2024.

Case management discussion

4. The Applicants are seeking an eviction order on the basis that they wish to sell the property. The tribunal was interested to have further information regarding service of the notice to leave as the track and trace did not confirm that the notice had been delivered. Ms McPherson explained that the notice was served by Anderson Solicitors. They act as letting agents and they are also instructed in the sale of the property. Her firm are acting in the eviction application. Andersons have confirmed to her that the notice to leave was not returned by the post office. Ms McPherson has lodged a letter from Perth and Kinross Council dated 29 November 2024 which confirms that the Respondent sought advice about rehousing in November 2024 around the time that the notice to leave was served. In the circumstances the tribunal was satisfied that on the balance of probability that the notice was served.

5. The tribunal sought information regarding the reasonableness of the eviction order. Ms McPherson confirmed that her clients are in their late 70's and this is the only property they rent out. Mr Campbell is recovering from cancer and continues to receive treatment. They want to realise their interest in the property.

6. Regarding the Respondent's circumstances Ms McPherson advised that he lives on his own and there are no rent arrears. Anderson Solicitors have been in recent contact with the Respondent. He has told them that he has secured a new property and is in the process of moving into it.

7. Findings in fact

- The Applicants are the owners and registered landlords of the property.
- The parties entered into a private residential tenancy agreement with the Respondent for let of the property on 25 May 2018.
- The Respondent lives in the property alone.
- The Applicants wish to sell the property due to their age and health.
- A valid notice to leave was served on the Respondent on 19 November 2024.
- The Respondent sought advice from the Perth and Kinross Council Housing Department after receiving the notice to leave.

- The Respondent has acquired a new property, and he is in the process of moving out of the property.
- The Respondent is not opposed to the eviction order.

Reasons

8. The Applicants wish to sell the property. The Respondent is not opposed to the eviction application. He has acquired a new property and he is in the process of moving. 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.

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

Legal Member/Chair

20 February 2026

Date