



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/25/3738

Re: Property at 19A West Road, Elgin, Moray, IV30 1SA (“the Property”)

Parties:

Mr Michael Clark, 51 Valentine Drive, Aberdeen, AB22 8YF (“the Applicant”)

Mrs Iris Cormack, 19A West Road, Elgin, Moray, IV30 1SA (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. On 2nd September 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 15th December 2023 and a rent of £850 per month;
 - ii. Copy Notice to Leave dated 3rd June 2025;
 - iii. Proof of Service of the Notice to Leave;
 - iv. Section 11 Notice and proof of service;
 - v. Letter from Cluny Estate Agent dated 2nd June 2025 confirming instructions to market the property.

3. The Application was served on the Respondent by Sheriff Officers on 22nd January 2026.

Case Management Discussion

4. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mr Beck of Cluny Estate Agency Limited. There was no attendance by the Respondent or any representative on her behalf.
5. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
6. Mr Beck sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. He explained that the Respondent has secured local authority accommodation and is in the process of moving out. He said that the Respondent is elderly and it is taking her some time to sort everything out to move. He said that the parties have a very good relationship and have been in communication throughout. His agency has tried to find a property for the Respondent, but the rent is a consideration. The Applicant is happy to give the Respondent the time she needs to make the move. The Applicant is a middle aged man but he no longer wishes to be a landlord and wishes to sell the property. The Applicant has one rental property and wishes to sell to fund the purchase of a home.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 15th December 2023 and a rent of £850 per month
- b. A Notice To Leave, dated 3rd June 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Applicant produced a letter from an estate agent dated 2nd June 2025 confirming instructions to market the property.
- e. The Application was served on the Respondent by Sheriff Officer on 22nd January 2026;
- f. The Respondent has secured a new local authority tenancy and is in the process of moving out;
- g. The Applicant has one rental property and wishes to sell to fund the purchase of a home.

Reasons for Decision

7. Ground 1 of Schedule 3 of the Act states as follows:

1(1)It is an eviction ground that the landlord intends to sell the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a) is entitled to sell the let property,

(b) intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

8. The Tribunal is satisfied that the procedural requirements have been followed and that the ground of eviction has been met. The Tribunal is also satisfied that it is reasonable to grant the order in that the Respondent has secured another tenancy.

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.

Alison Kelly

Legal Member/Chair

09/03/2026

Date