

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/25/3485

Re: Property at 17 Wrightfield Park, Maryburgh, IV7 8ER (“the Property”)

Parties:

Mr William Rainnie, Glentoin, Dunglass Road, Maryburgh, Ross-shire, IV7 8ET (“the Applicant”)

Ms Lynn Mackenzie, 17 Wrightfield Park, Maryburgh, IV7 8ER (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 6 January 2026. The CMD took place by teleconference on 17 February 2026 at 2.00 pm. Both parties represented their own interests.

Findings and Reasons

The property is 17 Wrightfield Park, Maryburgh Ross-shire IV7 8ER. The applicant is Mr William Rainnie who is the heritable proprietor and registered landlord. The respondent is Ms Lynn Mackenzie who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 4 October 2021.

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The notice period was one of 84 days. The notice to leave is dated 19 May 2025 and stipulates that the earliest an application be submitted to the tribunal would be 14 August 2025. The Notice to Leave, served upon the respondent by email on 19 May 2025 and relied upon in this application is therefore valid. Sufficient statutory notice was given.

The applicant requires to sell the let property to release funds to assist his daughter in purchasing a home due to her housing situation. He has provided a valuation report undertaken on 12 December 2024 evidencing his intention to sell which is not disputed by the respondent. The tribunal was satisfied that it is the applicant's genuine intention to sell the let property.

The tribunal considered the reasonableness on the making of an eviction order. The respondent does not have an objection to vacating the property. She had hoped to buy the property either as an individual or jointly with her adult daughter but funding this has not proved possible. A Section 11 Homelessness notice has been issued to the local authority. The respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

17 February 2026

Legal Member/Chair

Date