



**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 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)**

**Ref: FTS/HPC/EV/25/3672**

**Re: Property at 11 Viewhill Crescent, Tain, Ross-shire, IV19 1EX (the Property)**

**Parties:**

**Mrs Emma Mackay, Lochmor, 6 Bracara, Morar, Mallaig, PH40 4PE (the Applicant)**

**Ms Heather Syme, 11 Viewhill Crescent, Tain, Ross-shire, IV19 1EX (the Respondent)**

**Tribunal Members:**

**Ms. Susanne L. M. Tanner K.C. (Legal Member)  
Mrs. Mary Lyden (Ordinary Member)**

**Decision**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord is entitled to sell the let Property and intends to sell it for market value, or at least put it up for sale within three months of the tenant ceasing to occupy it; and that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act; and delayed the date for enforcement to 19 April 2026.**

**The decision of the tribunal is unanimous.**

## Reasons

### Procedural Background

1. The Applicant made an application to the tribunal on 27 August 2025 in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicant seeks an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicant's Representative lodged with the Application:
  - 3.1. tenancy agreement;
  - 3.2. Copy Notice to Leave, with proof of service; and
  - 3.3. Agreement with appointed estate agent.
4. The tribunal's administration obtained the title sheet for the Property which showed that the Applicant and Alistair Neil Mackay are the registered proprietors.
5. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland and the Applicant's Representative is the agent.
6. The tribunal requested additional information from the Applicant, which was provided namely:
  - 6.1. Letter of authorisation from the co-proprietor of the Property, Mr Alistair Mackay;
  - 6.2. Proof of service of Notice to leave by email; and
  - 6.3. Section 11 Notice and Proof of service.
7. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 6 January 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 18 February 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 27 January 2026. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before

it to do so and the procedure has been fair. The Application paperwork and notification was served on the Respondent by Sheriff Officers.

8. The Respondent did not lodge any opposition to the Application.
9. On 18 February 2026, the Respondent sent written submissions in relation to her health and attached a letter from a nurse practitioner at her general practitioner. The tribunal clerk confirmed that the Respondent gave consent for the email and attached letter to be shared with the tribunal and the Applicant. The Respondent provided consent and the information was shared on 18 February 2026.

### **Case Management Discussion (CMD): 18 January 2026, Teleconference**

10. Mrs Mackay, the Applicant, attended.

11. Ms Syme, the Respondent, attended.

### **Submissions by Respondent**

12. Ms Syme stated that the Application is not opposed but that she would like some additional time before having to move out of the Property.
13. Ms Syme lives in the Property with her daughter, who is 16. She has lived there for around 10 years. There was another tenancy agreement before the current tenancy agreement. The Property is semi-detached and has three bedrooms. Ms Syme said that she has always had a good relationship with Mrs and Mr MacKay.
14. Ms Syme has a health condition which means that she is unwell for periods of time. She is cared for by a relative who stays at the Property. Ms Syme's daughter attends college. She has additional support needs.
15. Ms Syme has found the prospect of moving out of their home stressful and it has exacerbated her medical condition. She has registered with the local authority and made them aware of her health condition and her daughter's additional support needs. She has been told that there is a points system and that they are not a priority until they are made homeless.
16. Ms Syme is not looking in the private rented sector as she wants a settled home for her and her daughter.
17. Ms Syme would appreciate another month beyond the usual 30 day period for enforcement of the eviction order.

## **Applicant's submissions**

18. Mrs Mackay confirmed that she has a good relationship with Ms Syme. She does not want to cause her additional stress and would be happy to agree to a longer period for enforcement. She said that she would be happy if an additional month was added to the normal 30 day period.
19. Mrs MacKay said that the Property is their only buy to let investment property. It is situated around three and a half hours away from their home which makes management difficult when things need to be done. They have one other holiday let which is located close to their home. They need to sell the Property as their family's circumstances have changed. They have four children. One is at University and another is going this year. The other two children are at home. They need to sell the Property to help to fund their children's education and accommodation costs.
20. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.

## **21. The tribunal makes the following findings-in-fact:**

- 21.1. The Applicant is one of the registered proprietors of the Property.
- 21.2. The co-proprietor of the Property has provided consent to the Applicant to enter into a tenancy agreement with the Respondent for the Property.
- 21.3. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 5 June 2020.
- 21.4. Prior to the current tenancy there was another tenancy agreement.
- 21.5. The Respondent has lived in the Property since around 2016.
- 21.6. The Respondent lives in the property with her daughter who is aged 16.
- 21.7. The Respondent has a health condition which means that she sometimes needs periods of care from a relative who comes to stay in the Property.
- 21.8. The Respondent's daughter attends college and has additional support needs.
- 21.9. The Property is semi-detached and has three bedrooms.
- 21.10. The Applicant requires to sell the Property to assist in funding the University education and accommodation costs of two of their children.

- 21.11. The Property is the Applicant's only buy to let property.
- 21.12. The Property is situated around three and a half hours from the Applicant's home.
- 21.13. The Applicant requires to sell the Property with vacant possession.
- 21.14. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent and her family ceasing to occupy it.
- 21.15. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.
- 21.16. Notice to Leave was served on the Respondent on 19 May 2025 under Ground 1 of Schedule 3.
- 21.17. The Respondent has registered with the local authority for accommodation and has notified them about their needs but nothing has been allocated yet and the Applicant is not a priority case as she is not homeless.
- 21.18. The Respondent requires additional time to find a suitable property for her and her daughter which meets their needs.

## **Discussion**

22. The Application for an order for eviction was not opposed but the Respondent sought additional time to find another property with the local authority. The Applicant was agreeable to an additional period of time. A period of an additional month was discussed.
23. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
24. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction. The tribunal decided that an extension to enforcement of the order to 19 April 2026 was appropriate in the circumstances.
25. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act with a deferred date of enforcement of 19 April 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.**

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**Ms. Susanne L. M. Tanner K.C.  
Legal Member/Chair**

**Date: 18 February 2026**