



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/25/3716

Re: Property at 10 Dinnie Place, Kintore, Inverurie, AB51 0TJ (“the Property”)

Parties:

Mr John Bird and Mrs Anastasia Bird, both 4 Bucklerburn Wynd, Peterculter, Aberdeen, AB14 0XR (“the Applicants”)

Mrs Deborah Anne Summers, 10 Dinnie Place, Kintore, Inverurie, AB51 0TJ (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 1 September 2025, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 5 October 2020 at a rent of £800 per month, and a Notice to Leave dated 3 June 2025, advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 29 August 2025. The Applicants also provided the Tribunal with a copy of a letter from Peterkins, solicitors, Inverurie, dated 30 May 2025, confirming that they had been instructed to sell the Property.

3. On 22 January 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 12 February 2026. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

4. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 11 March 2026. The Applicants were represented by Mr Martin Kingdon of Peterkins, solicitors, Aberdeen. The Respondent was also present.
5. Mr Kingdon told the Tribunal that the Applicants have been reviewing their circumstances and have decided that it is no longer in their interests to continue letting the Property. They wish to sell and use the capital to invest in their own home.
6. Mrs Summers told the Tribunal that she is not opposing the application but has been advised by Aberdeen City Council and by Aberdeenshire Council that they will not assist her with rehousing unless an Eviction Order is issued against her. She lives in the Property with her 18-year-old daughter, who is at college. Mrs Summers said that she (Mrs Summers) suffers from ill-health. In response to a Tribunal question, she indicated that a short extension of the normal period before an Eviction Order can be enforced would be very helpful. Mr Kingdon indicated that he did not think an extension of two weeks or so would be an issue for the Applicants.

Reasons for Decision

7. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
8. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.
9. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

10. The Tribunal was satisfied from the evidence provided by the Applicants, including the solicitors' letter, that they intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
11. The Tribunal noted that the Applicants wish to realise capital to spend on their own home and that they no longer think it is in their interests to remain in the rental market and that Mrs Summers was not opposing the application but required to take it to this stage to avoid being regarded by the local authority as having made herself intentionally homeless and to obtain help with rehousing.
12. Accordingly, having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order, but that it should not be enforceable before 1 May 2026.
13. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

11 March 2026
Date