



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/25/2633

Re: Property at 45 Polmaise Avenue, St Ninians, Stirling, FK7 0DJ (“the Property”)

Parties:

Mr John Standaloft, 53 CC Eccles, East Bank Demerara, Guyana (“the Applicant”)

Mr Dale Adams, 45 Polmaise Avenue, St Ninians, Stirling, FK7 0DJ (“the Respondent”)

Tribunal Members:

Lesley Ward (Legal Member) and Mary Lyden (Ordinary Member)

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), and it being 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 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The Applicant and Respondent attended.

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

- (1) Private Residential Tenancy Agreement dated 9 November 2020.
- (2) Notice to leave dated 10 February 2025.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Evidence of landlord registration.
- (7) Rent statement.
- (8) Contract for sale of the property.

Case management discussion

The Applicants position

4. The Applicant is seeking an order for eviction on the basis that he is 71 years of age, and he no longer wants to act as a landlord as he lives abroad. The Applicant has started to sell his property portfolio. He has sold 24 properties and 5 remain. The mortgage he arranged in 2010 has expired and possibly because he now lives abroad, the lender has indicated they will not continue to lend on the property so he has to sell. The Applicant has a mortgage of £63000 and the property is worth around £75000. He has arranged for the Property Bureau to sell the property once he has vacant possession. There are no rent arrears on the account.

The Respondent's position

5. The Respondent is not opposed to the eviction application. The Respondent has received a letter from the local authority housing department but he has not been in touch with them yet. The Respondent accepts that his landlord is entitled to sell the property and he hopes to obtain another private let although this is proving difficult, given his budget. The property is a one bedroom flat and the Respondent lives alone and works in retail.

7. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 9 November 2020.
- The Respondent was served with a valid notice to leave on 12 February 2025.
- The Applicant wishes to sell the property.
- The Applicant's mortgage has expired and the mortgage lender is not prepared to continue to lend on the property.
- The Applicant lives abroad and wishes to sell his property portfolio due to his age and stage of life.
- The Applicant has sold 24 properties and has 5 still to sell, of which the property is one.
- The Respondent is not opposed to the eviction application and accepts that he will require to seek suitable alternative accommodation.

Reasons

8. This was an undefended eviction application. The Applicant is the owner and landlord. He is entitled to sell the let property and he intends to do so when he obtains vacant possession. The tribunal was satisfied that the eviction ground was met.

9. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The Respondent is not opposed to the application but as things stand, he has not arranged alternative accommodation. Despite receiving the notice to leave in February 2025 and the local authority being in touch, the Respondent had not contacted the housing department.

10. 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 it was reasonable in all of the circumstances to grant the eviction order. Given the Respondent's circumstances and the absence of any rent arrears the tribunal decided it was fair to delay the execution of the order until 31 May 2026 in terms of rule 16A of the tribunal rules of procedure to give the Respondent more time to arrange alternative accommodation.

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

27 March 2026

Date