



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/25/4528

Re: Property at 90/2 Dunsapie Court, Duddingston Road West, Edinburgh, EH15 3PU (“the Property”)

Parties:

Mr Ronald McCail, Sycamore Bank, 30 The Causeway, Duddingston Village, Edinburgh, EH15 3PZ (“the Applicant”)

Mr Andrew Macdonald, 90/2 Dunsapie Court, Duddingston Road West, Edinburgh, EH15 3PU (“the Respondent”)

Tribunal Members:

Serena Weir (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“**the 2016 Act**”). A copy of the tenancy agreement, Notice to Leave and proof of receipt, Section 11 Notice and copy home report as evidence of the intention to sell were lodged with the application.
2. A copy of the application was served on the Respondent, and the parties were notified that a Case Management Discussion (“**CMD**”) would take place by telephone conference call on 28 April 2026 at 10am.
3. The CMD took place on 28 April 2026. The Applicant was represented by his son, Mr Chad McCail. The Respondent attended the CMD.

Summary of Discussion

4. The Applicant’s representative referred to the statement lodged with the application setting out the background as to why the Applicant wished to sell the Property. The Applicant’s representative explained that a recent discussion had taken place between the Applicant and Respondent during which the Respondent had explained that he is now in full time employment

and he is continuing to pay down his debts. This included repayment in full of the rental arrears referred to in the application. The fact that the Respondent was repaying his debts meant that he was not in a position to save enough money for a security deposit and first month's rent on another property. As a result of that discussion, the Applicant had offered to pay the Respondent £1,600 as a contribution towards a security deposit and first month's rent if he was prepared to remove from the Property.

5. The Respondent confirmed that what the Applicant's representative had explained about his financial position and the offer of assistance was correct. He was now in full time employment. He lives in the Property himself. He does not have any health conditions. He described the offer of assistance made by the Applicant as very fair and extremely kind. He had engaged with the local housing authority about finding alternative accommodation which was affordable to him. He wanted to remove from the Property just as soon as possible. He considered the Applicant's position to be entirely reasonable and did not oppose the application.

Findings in Fact

6. The Applicant is the owner and landlord of the Property.
7. The Applicant intends to sell the Property. He is 93. Being a landlord has caused him considerable anxiety and distress. The Property is his only rental property.
8. The Respondent is the tenant of the Property and lives there alone. He is in full time employment and has no health conditions.
9. The Applicant served a Notice to Leave on the Respondent dated 25 May 2025. The Respondent acknowledges having received this Notice to Leave.
10. The Respondent does not oppose the application. He has engaged with the Local Authority with a view to being re-housed.
11. The Applicant has offered to pay the Respondent £1,600 as a contribution towards a security deposit and first month's rent if he was prepared to remove from the Property.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 25 May 2025 together with a receipt which establishes that it was received by the Respondent on the same date. The Notice to Leave states that an application to the Tribunal is to be made on ground 1: the landlord intends to sell the Property. The Notice to Leave states that the earliest date that an application can be made to the Tribunal is 18 August 2025.
13. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
14. Section 51(1) of the 2016 Act states,

“The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”

15. Ground 1 of schedule 3 of the 2016 Act (as amended) states,

*“(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.”*

16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the Property and that part 1 of ground 1 is established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
18. The Respondent does not oppose the application. He has approached the Local Authority for re-housing. The Applicant has offered to pay the Respondent £1,600 as a contribution towards a security deposit and first month's rent if he was prepared to remove from the Property.
19. The Respondent lives at the property alone and has no health conditions.
20. The Applicant intends to sell the Property.
21. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. As to reasonableness, the Tribunal considered the background to the application, the supporting documentation lodged by the Applicant and the oral submissions on behalf of the parties at the CMD, specifically that the request for a possession order was not opposed. Accordingly, the Tribunal was satisfied that it was reasonable in all of the circumstances to grant the eviction order.

Decision

22. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

S. Weir

Legal Member/Chair

Date 28th April 2026

