



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/25/3546

Re: Property at 12 Anderson Steet, Dysart, KY1 2XE (the Property)

Parties:

Mrs Heather Young, 107 Beatty Crescent, Kirkcaldy, KY1 2HT (the Applicant)

Ms Lynsey Young, address unknown (the Applicant's Representative)

Mr David Melville, 12 Anderson Street, Dysart, KY1 2XE (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.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicant's Representative made an application to the tribunal between 19 August 2025 and 3 January 2026 (the Application) 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 supporting documents with the Application.
4. The tribunal's administration obtained the title sheet for the Property which showed that the Applicant is the joint registered proprietor of the Property.
5. The tribunal confirmed that the Applicant is registered as the landlord of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 19 March 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 5 May 2026 at 1000h. The Respondent was invited to make written representations in response to the Application by 9 April 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.
7. The Respondent did not lodge any opposition to the Application or lodge any written submissions.

Case Management Discussion (CMD): 5 May 2026, 1000h, Teleconference

8. The Applicant's Representative did not attend and did not make contact with the tribunal. The tribunal clerk contacted her on the email provided to ask if she was intending to join the CMD. There was no response during the CMD.

9. The Respondent, Mr Melville, attended.
10. The tribunal proceeded in the absence of the Applicant's Representative on the basis of all the information before it and the oral representations of the Respondent, in terms of Rule 29 of the 2017 Rules.

Submissions by Respondent

11. Mr Melville stated that he does not oppose the Application for eviction. He stated that he understands that the Applicant needs to sell the Property. He said that he could not move out without an eviction order being made because he needs to be classified as homeless by the local authority. He has engaged with the local authority and he is on the waiting list for a one bedroomed house. He lives in the Property on his own. He is 67 and does not have any disabilities. He understands that if the eviction order is made he will have to move out within the 30 day appeal period. He has been told that due to his age the local authority will look for sheltered housing for him. He understands that he may have to move into temporary accommodation in the meantime. He intends to contact the local authority today to tell them the outcome of today's hearing.

12. The tribunal adjourned to deliberate.

13. The tribunal makes the following findings-in-fact:

- 13.1. The Applicant is the joint registered proprietor of the Property.
- 13.2. The Applicant entered into a private residential tenancy with the Respondent for the Property with a start date of 5 July 2018.
- 13.3. The Respondent lives in the Property on his own.
- 13.4. The Respondent is 67 years old and does not have any disabilities.
- 13.5. The Property has one bedroom.
- 13.6. The Property is not adapted for disabilities.
- 13.7. The Applicant intends to sell the Property or put it up for sale within three months of the Respondent and his family ceasing to occupy it.
- 13.8. The Applicant is 75 years old and is disabled.
- 13.9. The Applicant requires funds from the sale of the Property to buy a suitable Property to live in.

- 13.10. The Applicant has instructed an estate agent to market the Property for sale once there is vacant possession.
- 13.11. Notice to Leave dated 19 May 2026 was served on the Respondent under Ground 1 of Schedule 3.
- 13.12. The Respondent continues to reside in the Property.
- 13.13. The Respondent has registered with the local authority for housing and is on a waiting list.

Discussion

14. The Application for an order for eviction was not opposed.
15. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
16. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction.
17. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

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

5 May 2026