



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/25/4756

Re: Property at 16 Gordon Avenue, Inverurie, AB51 4GQ (“the Property”)

Parties:

Ms Jodie Henderson, Wayside, Kintore, Inverurie, Aberdeen, AB51 0YX (“the Applicant”)

Mr John Gray, 16 Gordon Avenue, Inverurie, AB51 4GQ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

Background

1. On 4th November 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 1st March 2023 and a rent of £500 per month;
 - ii. Copy Notice to Leave dated 14th July 2025;
 - iii. Proof of service of ii;
 - iv. Section 11 Notice and proof of service;
 - v. Quote from Aberdeen Considine dated 25th August 2025 in relation to marketing and sale of the property;

- vi. Statement by the Applicant.
3. The Application was served on the Respondent by Sheriff Officers on 1st April 2026.
4. On 5th May 2026 the Applicant's solicitor lodged a Written Submission outlining the Applicant's position on reasonableness.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Miss Campbell of Aberdeen Considine, solicitors. There was no attendance by the Respondent or any representative on his behalf.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Miss Campbell sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. She confirmed that the Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it.
8. The Tribunal was satisfied that the ground had been established, and asked Miss Campbell to address the Tribunal on reasonableness. Reference was made to the Written Submission lodged on 5th May 2026. Miss Campbell explained that the Applicant and her partner have a new baby and wish to sell the property to enable them to buy a house. They are currently living with the Applicant's parents. She confirmed that the rent arrears are £2013 and that while the bulk of the Respondent's monthly rent is being met by benefits there is a shortfall and he is not paying it. The Respondent told the Applicant that he was starting a job in April, but no payments have materialised. She said that the Applicant is out of pocket as she is having to bear the cost of taking recovery action. She also said that the Respondent is not taking care of the property as it is not clean, heated or ventilated, and he has also damaged furniture belonging to the Applicant.
9. Miss Campbell said that as far as she is aware the Respondent has no dependents living with him, and the property has not been adapted in any way to accommodate any disability.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 1st March 2023 with a rent of £500 per month

- b. A Notice To Leave, dated 14th July 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Applicant has instructed Aberdeen Considine to market and sell the property;
- e. The Application was served on the Respondent by Sheriff Officer on 1st April 2026;
- f. The Applicant owns the property;
- g. The Applicant and her partner have recently had a baby and are living with her parents;
- h. The Applicant and her partner wish to sell the property to enable them to buy a family home;
- i. The Applicant 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;
- j. The Respondent owes rent in the amount of £2013;
- k. The Respondent has not kept the property clean, heated or well ventilated;
- l. The Respondent has damaged furniture belonging to the Applicant;
- m. The Respondent does not have any dependents living with him;
- n. The property has not been adapted to accommodate any disability.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act states as follows:

1(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.

(3)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a)a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

11. The Tribunal is satisfied that the Ground has been met. The Tribunal has considered all the factors put forward. Given that the Applicant wishes to sell the property to enable her to purchase a family home, the Respondent is in substantial rent arrears without any proposal for payment and he has not taken care of the property the Tribunal is satisfied that it is reasonable to grant the eviction order.

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.

Alison Kelly

12th May 2026

Legal Member/Chair

Date