



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/25/3097

Property : 25 Mountbatten Street, Grangemouth FK3 8TH (“Property”)

Andrew Craig, 12 Arnothill, Falkirk FK1 5RZ (“Applicant”)

Alexa Kotrys, 25 Mountbatten Street, Grangemouth FK3 8TH (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Tony Cain (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to make an order for possession of the Property.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 7 April 2025 ("Notice to Leave"); notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with certificate of posting and copy email from Home for You dated 5 December 2025 confirming their instruction to sell the Property. A Case Management Discussion (“CMD”) was fixed for 6 May 2026. The Application was served on the Respondent by sheriff officer on 20 March 2026.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 6 May 2026 by teleconference. The Applicant was in attendance as was accompanied by his partner, Sara Findlay. The Respondent was not in attendance.

Mr Craig told the Tribunal that he had no recent contact with the Respondent. He said that she lives in the Property with 3 children the eldest of which is around 12. He said that he understands the Respondent works part time. He said he was not aware of

any health issues in the family. Mr Craig told the Tribunal he had not been contacted by the Council about alternative accommodation for the Respondent.

Mr Craig told the Tribunal that he had a portfolio of 10 properties. He said he had sold 3 in the last 6 months. He said that he is aged 65 and is planning to retire. He said that his father managed the properties but he is now in care home and has dementia. He said that he intends to market the Property for sale if an order for possession is granted.

Mr Craig told the Tribunal that the Respondent has lived in the Property since 2017. He said that he put new private residential tenancy agreements in place with all of his tenants in 2020 after the covid pandemic. He said the rent for the Property was £400 per month. Ms Findlay confirmed that she hand delivered the Notice to Leave to the Respondent on 7 April 2025.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant entered into a Tenancy Agreement with the Respondent for the Property which commenced in 2017.
2. The applicant and the Respondent entered into a private residential tenancy for the Property in 2020.
3. A Notice to Leave was served on the Respondent by hand delivery on 7 April 2025. It stated that an application for an eviction order would not be submitted to the Tribunal before 8 July 2025.
4. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.
5. The Applicant intends to sell the Property or at least put it up for sale within 3 months of the Respondent ceasing to occupy it.

Findings in Fact and Law

1. It is reasonable to grant an order for possession of the Property.

Reasons for the Decision

In terms of section 51 of the Act, 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 applies. In the Application the Applicant stated that they sought recovery of possession of the Property on the basis

set out in Ground 1 which is that the landlord intends to sell the Property. The evidence lodged with the application of intention to sell was copy email from Homes for You dated 5 December 2025 confirming their instruction to sell the Property. The Tribunal determined that the ground for eviction had been established.

The Tribunal considered the question of reasonableness. Having considered all of the circumstances, and in light of the lack of opposition from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal determined to grant an order for possession of the Property.

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.

J.Devine

Legal Member

Date: 6 May 2026