



Decision 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/25/3914

Re: Property at 67C Boglemart Street, Stevenston, Ayrshire, KA20 3JN (“the Property”)

Parties:

Mrs Rosemary Walker, 53 High Road, Stevenston, Ayrshire, KA20 3DY (“the Applicant”)

Mr Brian Miller, 67C Boglemart Street, Stevenston, Ayrshire, KA20 3JN (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. By application submitted dated 12 September June 2025 the applicant seeks an order for eviction relying on ground 1 (Landlord intends to sell the property) in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. The applicant lodged the following documents with the application:

- Copy tenancy agreement
 - Notice to leave with proof of service
 - Email from Donald Ross Residential regarding sale of the property
 - Notice in terms of section 11 of the Homelessness Etc. (Scotland) Act 2003
3. A case management discussion (“cmd”) was assigned for 13 May 2026.

Case management discussion – 13 May 2026- teleconference

4. The applicant was represented by Mr Scott, Property Manager, Rentolease. The applicant’s son, Mr Walker also attended on her behalf. The respondent was not present or represented. Sheriff Officers had served papers personally on the respondent on 1 April 2026. The Tribunal was satisfied that the respondent had been properly notified of the cmd and proceeded with the discussion in his absence.
5. Mr Scott stated that the applicant sought an order for eviction in order that the property could be sold. He stated that the respondent had indicated that he understood why the applicant wanted to sell the property and did not oppose an order being granted.
6. Mr Walker confirmed that his mother is older and wished to sell the property as part of her financial and personal planning. He stated that as far as he was aware the respondent had an active application for alternative housing with the local authority which may be assisted by an order being granted. He stated that the respondent was in employment and resided alone in the property.

Findings in fact

7. Parties entered into a private residential tenancy agreement with a commencement date of 10 June 2022.
8. A valid notice to leave was served on the respondent on 12 May 2025.
9. The applicant has instructed agents to sell the property.

10. The applicant wishes to sell the property as part of her personal and financial planning.
11. The respondent resides alone in the property.
12. The respondent is in employment.
13. The respondent has not submitted written opposition to the application and did not attend the cmd to oppose an order for eviction being granted.

Reasons for decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

17. Ground 1 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.

(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.

18. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondent.

19. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.

20. The Tribunal took into account that the applicant had a genuine intention to sell the property as part of her personal and financial planning.

21. The Tribunal gave weight to the fact that the respondent would require to secure alternative accommodation in the event that an order was granted. Against that the Tribunal gave significant weight to the fact that the respondent taken no steps to the oppose the application.

22. The Tribunal determined that on balance it was reasonable to grant an 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Legal Member/Chair

Mary-Claire Kelly

13 May 2026

Date