



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4561

Re: Property at 114 Forman Drive, Peterhead, AB42 2XG (“the Property”)

Parties:

Mrs Rhodella Reid, 4 Waterside Place, Peterhead, AB42 1GJ (“the Applicant”)

Ms Kate Louise Coutts, 114 Forman Drive, Peterhead, AB42 2XG (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Ann Moore (Ordinary Member) (“the tribunal”)

Decision (in absence of the Respondent)

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

Background

1. On 20 October 2025, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction.
2. On 8 December 2025, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by teleconference on 20 May 2026.

The case management discussion

4. The Applicant was not in attendance and was represented by Mrs Laura Wilson
5. The Respondent was not present.

Preliminary Matters

6. The Legal Member explained the purpose of a case management discussion.
7. It was noted that there was no appearance by the Respondent. The case papers and intimation of the case management discussion had been served on the Respondent by Sheriff Officer on 23 April 2026. The tribunal determined that it was appropriate for the case management discussion to proceed.
8. By way of background, Mrs Wilson said that the Property had belonged to Mr and Mrs Lawson. Mr Lawson had predeceased Mrs Lawson and she had died on 10 October 2024. The Respondent had been a tenant of Mr and Mrs Lawson. The Applicant was appointed executor of Mrs Lawson, registered as a landlord and granted a fresh private residential tenancy to the Respondent on 13 January 2026.
9. Mrs Wilson said that the Property requires to be sold to enable the executor to realise funds from the estate of the late Mrs Lawson and distribute them to beneficiaries.
10. Mrs Wilson submitted that the application could be determined without a hearing because all necessary evidence in its support had been submitted.

11. Findings in Fact

- (i) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 13 January 2025.
- (ii) The monthly rent currently due under the private residential tenancy is £750.
- (iii) The Applicant had served a notice to leave on 7 May 2025 requiring the Respondent to vacate the Property by 14 June 2025.
- (iv) The Respondent continues to reside in the Property.
- (v) The appropriate intimation had been made to the local authority in terms of section 11 of the Homelessness etc (Scotland) Act 2003.
- (vi) The Applicant has instructed estate agents to market the Property.
- (vii) The Applicant is the executor of the late Mrs Heather Madge Tait Lawson who owned the Property.
- (viii) The Property requires to be sold to enable funds to be realised for the estate of the late Mrs Lawson.

Findings in Fact and Law

- (i) 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.
- (ii) It is reasonable to grant the order of eviction

12. Documents before Tribunal

- (i) Private residential tenancy agreement dated 13 January 2025.
- (ii) Copy Notice to Leave dated 7 May 2025.
- (iii) Copy Section 11 intimation to the local authority dated 20 October 2025.
- (iv) Title Sheet for the Property ABN32629.
- (v) Decree from Peterhead Sheriff Court dated 12 November 2024 appointing the Applicant as executrix -dative of Heather Madge Tait Lawson.
- (vi) Quotation from Messrs Masson and Glennie, estate agents regarding sale of the Property.

13. The Law

Section 51 of the 2016 Act as amended:

- (1) The First-tier 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.*
- (2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.*
- (3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.*
- (4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.*

Ground 1, Part 1 of Schedule 3 of the 2016 Act (as amended)

Let property required for another purpose

Landlord intends to sell

- 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 subparagraph (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.

Discussion

Ground 1

14. Mrs Wilson referred to the quotation from Masson and Glennie regarding the proposed sale of the Property and submitted that it was evidence of the Applicant's intention to market it to realise funds.

Reasonableness

15. The Respondent had not made representations or participated in the case management discussion. Mrs Wilson said that the Respondent resides in the Property with her son who is at primary school. She said that it was her understanding that the Respondent is keen to be housed in a better area and that she had contacted the Council and her application would be progressed if an order of eviction were to be granted.

16. Mrs Wilson submitted that it would be reasonable to grant the order of eviction to facilitate the sale of the Property. This would allow the Applicant to fulfil the obligations incumbent on her as the executor of her mother. The funds realised from the sale of the Property would be paid into the estate and then disbursed to the beneficiaries of the late Mrs Lawson.

Reasons for Decision

17. The tribunal saw no reason for determination of the application to be continued to a Hearing. It considered that it had all the necessary information to determine the application.
18. The tribunal was satisfied that the Notice to Leave was in appropriate terms and had been served on the Respondent. The tribunal was satisfied that the appropriate notice had been served on the local authority under the Homelessness etc (Scotland) Act 2003.
19. The tribunal considered that it required to take a two stage approach to the application. It required to first determine if there was sufficient evidence to support the ground that the Applicant intended to sell the Property and then, if the ground was met, it was reasonable to grant the order of eviction.
20. The tribunal accepted that there was convincing evidence that the Applicant intended to sell the Property. This consisted of the quotation from Messrs Masson and Glennie and the information provided by Mrs Wilson.
21. The tribunal required to consider whether or not the granting of an order of eviction was reasonable. It is a matter of judicial discretion and, in considering reasonableness, a balancing exercise requires to be undertaken.
22. The tribunal had regard to what had been stated by Mrs Wilson.
23. The tribunal considered that it was reasonable for a landlord to sell a property in circumstances where it had been owned by a person who had died and where it was an asset which required to be realised for distribution to beneficiaries.
24. In the particular circumstances of this application the tribunal determined that it is reasonable for the Applicant to recover the Property.

Decision

25. The tribunal determined that the application be granted and that an eviction order be made.

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.

**Martin J. McAllister
Legal Member
22 May 2026**