



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/25/4572

Re: Property at 78 Thornhill Drive, Kirkcaldy, Fife, KY2 5BJ (“the Property”)

Parties:

Glenroy Properties Ltd, 18 Floors Place, Kirkcaldy, KY2 5SF (“the Applicant”)

Miss Jofita Trandafir, 78 Thornhill Drive, Kirkcaldy, Fife, KY2 5BJ (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Tribunal determined that it was reasonable to suspend enforcement of the order for a period of 3 months from the date of the hearing.

Background

1. By application dated 23 October 2025 the applicant seeks an order for eviction relying on ground 1 – landlord intends to sell the property. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to leave with proof of service
 - Section 11 notice
 - Correspondence from First for Homes re marketing the property for sale

2. A case management discussion (“cmd”) was assigned for 10 June 2026

Case management discussion – 10 June 2026- teleconference

3. The applicant was represented by Ms Barr, Director, Streets Ahead Scotland. The respondent appeared on her own behalf. A Romanian language interpreter was in attendance on the call to ensure the respondent was able to fully participate in proceedings.
4. Ms Barr sought an order for eviction. She explained that the applicant is a property company. The current Director, Caroline Frame, took over the company after her husband and father who had managed the company passed away. She had decided to sell the property along with other properties that had been owned by the company. Ms Barr stated that the respondent had resided in the property since 2019. Ms Frame had sought advice after she became a company director and a private residential tenancy agreement was signed by the respondent with a commencement date of 1 November 2024. The rent due in terms of the tenancy agreement was £250 per month. Ms Barr stated that the respondent had been given notice to leave in June 2025. She stated that since the tenancy commenced the respondent had paid rent on just 3 occasions and that rent arrears currently amounted to £4250.
5. The respondent did not seek to oppose the order being granted however she requested a 4 to 6 months extension before the order became enforceable. The respondent stated that she resided with her 61 year old mother. She stated that her mother suffered from a number of medical conditions including diabetes, heart problems, issues with her lungs and problems with her legs. As a result of these conditions she had limited mobility. The respondent stated that she was currently employed full time as a community support assistant. She stated that she had been up to date with her rental payments until the new tenancy agreement had been signed. She stated that the landlord had previously attended the property to collect rent however after this happened she wasn't sure how to arrange for payment.

6. Ms Barr stated that the details for payment were contained in the tenancy agreement. The respondent stated that if a suspension was granted she would ensure rent was paid.

7. The respondent stated that she would be seeking alternative accommodation that was suitable for her mother and would make an application to the local authority as well as looking for alternative accommodation in the private sector. She stated that she had been looking for alternative accommodation since she received notification of the cmd approximately 4 weeks ago.

Findings in fact and law

8. The respondent has resided in the property since 2019.

9. Parties entered into a private residential tenancy agreement with a commencement date of 1 November 2024.

10. Rent due in terms of the tenancy agreement is £250 per calendar month.

11. The applicant is the sole owner of the property.

12. The applicant intends to sell the property.

13. The respondent resides with her mother who is 61 years old.

14. The respondent's mother has a number of medical conditions which impact her wellbeing and mobility.

15. Arrangements for payment of rent changes when the tenancy agreement commenced.

16. The respondent has failed to make regular payments of rent since the tenancy agreement commenced.

17. The respondent does not oppose the granting of an order for eviction.

18. It is reasonable to grant an order for eviction

19. It is reasonable to vary the date of enforcement of the eviction order until 10 September 2026.

Reasons for the decision

20. 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.

21. 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.

22. 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.

23. 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.

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

25. 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

26. The Tribunal gave significant weight to the fact that the respondent did not oppose the order for eviction being granted and made no objection to the reasonableness of the order being granted.

27. In relation to the respondent's request to vary the date of execution to allow a period of 4 to 6 months for her to find alternative accommodation the Tribunal determined that 3 months was a reasonable period to defer execution. The Tribunal gave weight to the fact that the respondent did not oppose the application. The Tribunal gave weight to the fact that the respondent resided with her mother who had a number of medical conditions. The Tribunal accepted the respondent's evidence that she would seek alternative accommodation and required time to make arrangements to leave the property. The Tribunal took into account that the notice to leave had been served in June

2025 and that the respondent had been aware of the applicant's intentions for some time. The Tribunal also gave weight to the fact that the respondent had not paid rent regularly and the risk that arrears would continue to rise while the respondent resided in the property. The Tribunal took into account that the ongoing tenancy was having a negative impact on the applicant. The Tribunal determined that in light of the foregoing factors 3 months was a reasonable period of time to allow the respondent to remove from 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.

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.

Mary-Claire Kelly

Legal Member/Chair

10 June 2026 _____
Date