



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

Chamber Ref: FTS/HPC/EV/25/4145

Property at 19 King Edward Street, Markinch, Fife, KY7 6AN (“the Property”)

Parties:

Mrs Suzanne Cramb (nee Holmes), 9 Wyles Street, Coaltown of Wemyss, Kirkcaldy, Fife, KY1 4PD (“the Applicant”)

Mr Richard Beaumont, 19 King Edward Street, Markinch, Fife, KY7 6AN (“the Respondent”)

Tribunal Members:

Josephine Bonnar (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 that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, evidence of the intention to sell and a section 11 notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 28 May 2026 at 10am and they were required to participate.
3. The CMD took place on 28 May 2026. The Applicant participated, joining the call late. She explained that her husband (who is also her representative) had been unable to join. This might be due to the fact that he is in America at

present. The Respondent did not participate and was not represented.

Summary of Discussion at CMD

4. Mrs Cramb told the Tribunal that the Respondent is still living at the property. Her husband contacts him regularly to discuss the rent as he is owes approximately £4000 and has not paid any rent since last year. The Respondent asked Mr Cramb about the eviction application but did not indicate whether he intended to participate in the CMD. The arrears of rent are adding to Applicant's financial difficulties.
5. In response to further questions from the Tribunal, Mrs Cramb said that she has three rental properties. One is a long term let and she doesn't plan to sell it. The tenant of the second property has indicated that he will be moving out next year and she will put that property on the market when that happens. The property which is the subject of the application is to be sold immediately. Her husband is selling one of his two rental properties, also to help address their financial issues. Mrs Cramb said that she does not think that the Respondent is currently working. He has made various promises about getting rent payments to them. He previously told her that his ten year old son stays with him three nights a week. In response to a question about the Notice to leave, Ms Cramb said that it was sent by email and hand delivered to the property on 11 June 2025.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Applicant intends to sell the property to raise some money to address her financial difficulties.
9. The Respondent did not participate in the CMD or notify the Tribunal if the application is opposed.
10. The Respondent's son stays part of each week at the property. The Respondent lives there alone for the remainder of the week.
11. The Respondent has incurred significant rent arrears which are increasing as he has stopped paying rent.
12. The Applicant served a Notice to leave on the Respondent on 11 June 2025.

Reasons for Decision

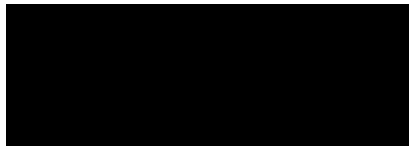
13. The application was submitted with a Notice to Leave dated 11 June 2025 together with a copy email which establishes that it was hand delivered to the Respondent and sent by email on that date. The Notices states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
14. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
15. Ground 1 of schedule 3 (as amended) 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."
16. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.
17. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Respondent did not participate in the CMD and his position in relation to the application is not known. He has not indicated if it is opposed.
 - (b) The Applicant wants to sell the property to help address financial difficulties. These have been exacerbated by the Respondent's failure to pay rent giving rise to substantial rent arrears.
 - (c) The Respondent lives at the property alone. He has a child who stays with him for part of each week but it is not the child's principal home.
18. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 17, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

19. The Tribunal determines that an eviction order should be granted against the Respondent.

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.



Josephine Bonnar, Legal Member

28 May 2026