



**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 (“the 2016 Act”)**

**Chamber Ref: FTS/HPC/EV/25/4802**

**Re: Property at 25 Arns Grove, Alloa, Clackmannanshire, FK10 2EE (“the Property”)**

**Parties:**

**Ms Sharon Denise Pace, Mr Ralph James Pace, Inyanga, Inchbare, Brechin, Angus, DD9 7QL (“the Applicants”)**

**Mr Charlie Walker, 25 Arns Grove, Alloa, Clackmannanshire, FK10 2EE (“the Respondent”)**

**Tribunal Members:**

**Ruth O'Hare (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 5 June 2026.

**Background**

- 1 This is an application for an eviction order under section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”). The Applicants relied upon ground 1 as the ground for eviction, stating that their intention to sell the property. The application was conjoined with an application for a payment order under Rule 111 of the Rules, under reference FTS/HPC/CV/25/4804.

- 2 The application was accepted as valid and referred to a tribunal for determination. A case management discussion (“CMD”) was scheduled to take place on 5 May 2026 at 10am. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 19 March 2026 and required the Respondent to make written representations in response to the application no later than 8 April 2026.
- 3 No written representations were received from the Respondent.

### **The CMD**

- 4 The CMD took place by teleconference on 5 May 2026 at 10am. Mr Jackson Deane, Solicitor, of Bannatyne Kirkwood France & Co represented the Applicants. The Respondent also joined the call.
- 5 The tribunal had the following documents before it:-
  - (i) Form E application form and paper apart;
  - (ii) Title deeds confirming the Applicants’ ownership of the property and proof of the Applicants’ landlord registration;
  - (iii) Private residential tenancy agreement;
  - (iv) Notice to leave and proof of delivery to the Respondent;
  - (v) Notice under section 11 of the Homelessness etc (Scotland) Act 2003 (“section 11 notice”) and proof of delivery to the local authority;
  - (vi) Terms of Business between the Applicants and Martin & Co; and
  - (vii) Rent statement and rent increase notices.
- 6 The tribunal explained the purpose of the CMD and proceeded to hear submissions from the parties. The following is a summary of the key elements of the submissions.
- 7 Mr Deane asked the Tribunal to make an eviction order. The Applicants intend to sell the property as part of their retirement planning. They are both retired and have reached state pension age. They purchased the property around 17 years ago whilst their son was at university. The purchase doubled as a long term investment. The Applicants require the sale proceeds to make repairs to their own residence. Mr Deane addressed the reasonableness of an eviction order. He pointed out that the local authority must provide the Respondent with accommodation upon an order being granted. The Respondent has known since July 2025 of the Applicants’ intention to sell the property. The Applicants no longer wish to be landlords. The sale of the property would allow them to exit the rental market. This is their only rental property.
- 8 The Respondent did not oppose the application. He had approached the local authority and had been told to stay put until such time as the Tribunal made an eviction order. He would have moved out earlier if he could. He felt he had been left in the lurch by the local authority. The Respondent resides in the property alone. He lost his job last year. He initially received benefits but these did not

cover the rent payments, resulting in arrears accruing. The situation had snowballed from there.

- 9 The tribunal invited the parties to make submissions on the tribunal's discretion to suspend execution of the order, if considered reasonable. Both parties stated that they would not wish any delay in the enforcement of the order.
- 10 The tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings and confirming the outcome.

### **Findings in fact and law**

- 11 The Applicants are the owners and landlords, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 12 The Applicants have given the Respondent a notice to leave within the meaning of section 62 of the 2016 Act. The notice to leave includes ground 1. The notice to leave was emailed to the Respondent on 31 July 2025. The Respondent consented to the delivery of notices by email under the terms of the tenancy agreement.
- 13 The Applicants have given the local authority a section 11 notice at the time of making this application.
- 14 The Applicants are entitled to sell the property as the registered owner.
- 15 The Applicants intend to sell the property, or market the property for sale, within three months of the Respondent ceasing to occupy it. The Applicants have signed a Terms of Business with Martin & Co to market and sell the property on their behalf.
- 16 The Applicants are retired and have reached state pension age. The Applicants require to sell the property as part of their retirement planning and to release funds to carry out repairs to their own residence. The Applicants purchased the property as an investment around 17 years ago whilst their son was at university.
- 17 The Respondent resides in the property alone. The Respondent lost his job last year and was unable to meet the rental payments, resulting in arrears accruing.
- 18 The Respondent has approached the local authority for accommodation. The local authority has advised the Respondent that they cannot progress his application until the Tribunal makes an eviction order.
- 19 The Respondent does not oppose the application.
- 20 It is reasonable to make an eviction order.

## Reasons for decision

- 21 The tribunal was satisfied that it could make relevant findings in fact to reach a decision on the application based on the documentary evidence and submissions from the parties at the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent did not oppose the application and as such there were no issues to be resolved that would require a hearing to be fixed.
- 22 Section 51 of the 2016 Act provides that “*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.*”
- 23 Section 52 of the 2016 Act goes on to state that “*an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.*” The tribunal had before it a copy of a notice to leave in the prescribed form that had been sent to the Respondent which cites ground 1 of schedule 3 of the 2016 Act. The tribunal was also satisfied that the Applicants had sent a section 11 notice to the local authority in accordance with the requirements of section 56 of the 2016 Act.
- 24 The tribunal considered the terms of ground 1, which are contained in paragraph 1 of schedule 3 of the 2016 Act:-

*“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 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.”*

- 25 The tribunal determined based on the documents before it and the submissions from parties at the CMD that the Applicants are entitled to sell the property as the registered owners and intend to do so within three months of the Respondent vacating. There was no contradictory evidence before the tribunal.

- 26 The tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.
- 27 The tribunal went on to consider the reasonableness of making an eviction order in this case in accordance with the terms of paragraphs 1(2)(c) of schedule 3 of the 2016 Act.
- 28 The tribunal considered the Applicants' property rights as the heritable owner, and their reasons for selling the property. The tribunal gave significant weight to their current circumstances, namely that they were retired and required to sell the property as part of their retirement planning. This was their only rental property and the tribunal accepted that it had been purchased as an investment for this purpose.
- 29 The tribunal carefully considered the Respondent's circumstances. Whilst the general impact of eviction upon the Respondent was a cause for concern, ultimately the Respondent did not oppose the application. There were no dependents within the property who would be at risk of homelessness, and the tribunal noted that the Respondent was keen for the order to be granted to enable him to progress his application for housing with the local authority.
- 30 Accordingly, in considering those factors relevant to reasonableness the tribunal concluded that the balance weighed in favour of making an eviction order. The tribunal therefore determined that the provisions of paragraph 1 of schedule 3 of the 2016 Act had been met and made an eviction order under section 51 of the 2016 Act.
- 31 The decision of the tribunal was unanimous.

### **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.**

# Ruth O'Hare

**5 May 2026**

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**Legal Member/Chair**

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**Date**