



**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**

Chamber Ref: FTS/HPC/EV/25/4170

Re: Property at 37 Toll House Gardens, Tranent, EH33 2QQ (“the Property”)

Parties:

Jamie Calderhead, 47 Sycamore Avenue, Port Seton, EH32 0UA (“the Applicant”)

Daniel Brown, 37 Toll House Gardens, Tranent, EH33 2QQ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Background

1. On 29th September 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 19th April 2024 and a rent of £995 per month;
 - ii. Copy Notice to Leave dated 19th June 2025;
 - iii. Copy email dated 19th June 2025 to the Respondent serving the Notice to Leave;
 - iv. Section 11 Notice and proof of service;
 - v. Estate Agency Terms of Business from Gilson Gray.
3. The Application was served on the Respondent by Sheriff Officers on 28th April 2026.

4. On 14th May 2026 the Applicant's solicitor lodged a detailed Written Submission addressing reasonableness.

Case Management Discussion

5. The Case Management Discussion ("CMD") took place by teleconference. The Applicant was represented by Mr Gray of Gilson Gray, Solicitors. The Respondent represented himself.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Mr Gray sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. He said that the Applicant was looking to sell, the property and use the equity as a deposit to allow him to purchase a property to live in.
8. The Respondent said that he was not opposed to the order being granted. He understood that the Applicant wished to sell. He said that he had been in touch with the local authority and they could not assist him until an eviction order had been granted.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 19th April 2024 and a rent of £995 per month;
- b. A Notice To Leave, dated 19th June 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. The Applicant lodged Estate Agency Terms of Business from Gilson Gray;
- e. The Application was served on the Respondent by Sheriff Officer on 28th April 2026;
- f. 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;
- g. The Respondent is not opposed to the order being granted.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act states as follows:

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.

10. The Tribunal is satisfied that the ground of eviction has been established. The Tribunal is also satisfied that it is reasonable to grant the eviction order as the Applicant has good reason to want to sell, and the Respondent does not oppose the 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.

Alison Kelly

Legal Member/Chair

3rd June 2026

Date

