

Housing and Property Chamber
First-tier Tribunal for Scotland



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/4665

Re: Property at Wester Pitscottie Farmhouse, Cupar, Fife, KY15 5LA (“the Property”)

Parties:

Mr Andrew Neil Kay, 6 McAllistair Rise, Mosman Park, Australia, WA 6012, Australia (“the Applicant”)

Deborah Maas, Mr Ed Maas, Wester Pitscottie Farmhouse, Cupar, Fife, KY15 5LA (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order subject to the provision that it may not be enforced prior to 5 September 2026.

Background

[2] The Applicant seeks an Eviction Order under ground 3 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced. The Application also provides a report into the refurbishment works to be carried out.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2 pm on 5 May 2026. The Applicant was represented by Ms Capaldi, trainee solicitor. The Respondents were not personally present. The Respondents had previously submitted a postponement request which had been unaddressed by the Tribunal. It was on the basis that the Respondents had medical appointments and would be unable to attend. The Tribunal did however also have further representations from the Respondents which explained that they suffered from serious health conditions and that they would be content for the eviction order to be granted but that they wished an extension of six months to allow them to organise their affairs.

[4] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the property to the Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- 2) *The Applicant now wishes to refurbish the Property.*
- 3) *The Applicant has competently served a notice to leave under ground 3 on the Respondents;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5) *The Respondents wish to leave the Property and but are seeking additional time to organise their departure.*

Reasons for Decision

[5] Having made the above findings in fact, the Tribunal considered that ground 3 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application.

[6] In doing so the Tribunal concluded that it would not be of assistance to adjourn or delay proceedings further despite the postponement request. That was because the Respondents had already submitted details of their position. The Tribunal was respectful of their wish for further time to leave the Property and was inclined to accommodate that request. The Tribunal did however think that a further six months would be slightly excessive given the passage of time since the service of the Application and the notice to leave. The Tribunal concluded that the order should be such that it may not be enforced prior to 5 September 2026.

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.

Andrew McLaughlin

Legal Member/Chair

22.05.26

Date