



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/25/4576

Re: Property at 60 Marchfield Quadrant, Ayr, KA8 8PE (“the Property”)

Parties:

Miss Sarah Morrison, The Gables Penberthy Road, Redruth, Cornwall, TR16 4LN (“the Applicant”)

Mr Stephen Graham, 60 Marchfield Quadrant, Ayr, KA8 8PE (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Elizabeth Williams (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 2016 Act are met in this case and determined that it should grant an order for recovery of possession but postpone the period of enforcement by 60 days.

The Tribunal therefore made an Eviction Order under Section 51 of the 2016 Act.

In terms of Section 51(4) of the 2016 Act, the private residential tenancy between the parties will end on 25th July 2026.

Background

1. This is an application dated 23rd October 2025 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 and Procedures 2017) (“The Rules”). The Applicant relied upon ground 1 of schedule 3 of the Act as the ground for eviction, namely that the Applicants intends to sell the let property.

2. The application was accepted by the Tribunal as valid on 24th December 2025 and referred to a Tribunal for determination. A Case Management Discussion (“CMD”) was set down to take place on 26th May 2026 by teleconference. The Tribunal gave notice of the CMD to the parties in accordance with rule 17(2) of the rules. The Notice was served on the Respondent by Sheriff Officers on 27th April 2026.
3. The Tribunal invited the Respondent to make written representations in response to the application by 14th May 2026.

The Case Management Discussion

4. The CMD took place on 26th May 2026 at 10am. Mr Ferry, Solicitor, Wallace Hodge & Co Solicitors, Ayr represented the Applicant. Mr Anderson, Ayr Housing Aid Centre, represented the Respondent. Neither party was present.
5. The Tribunal had the following documents before it: -
 - a. Form E application form;
 - b. Land Certificate to confirm the property was owned by the Applicant;
 - c. Evidence that the Applicant was registered as a landlord;
 - d. A copy of the private residential tenancy agreement between the parties;
 - e. A copy of the Notice to Leave and proof of delivery to the Notice on the Respondent by Sheriff Officer on 17th April 2025;
 - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and evidence of postage to the Local Authority;
 - g. Copy agency agreement between the Applicant and Lomond Estate Agents dated 20th November 2025;
 - h. Written submission on behalf of the Applicant;
 - i. Affidavit by the Applicant dated 13th May 2026;
 - j. Affidavit by Carly Williams dated 13th May 2026;
 - k. Affidavit by Alan Williams dated 13th May 2026;
 - l. Rent statement to 8th May 2026;
 - m. Submission by the Respondent’s representative;
 - n. Medical report and other correspondence in relation to the Respondent.
6. The Tribunal heard submissions from Mr Ferry on behalf of the Applicant and by Mr Anderson on behalf of the Respondent.
7. Mr Ferry referred the Tribunal to the written submission and his client’s affidavit, together with the accompanying affidavits from witnesses. Based on the evidence contained therein he sought an order for eviction.
8. Mr Anderson’s primary submission on behalf of the Respondent was that an evidential hearing should be assigned, failing which if the Tribunal was minded

to grant an order for eviction at the CMD the Respondent was looking for three to four months to be re-housed. He referred to his client's diagnosis of Multiple Sclerosis in 2016. He advised the Respondent had experienced worsening of his symptoms over the last two years. He advised the Tribunal that the property was an upstairs property and in the long term was not going to be suitable for the Respondent, who had some mobility issues. The Respondent maintained part time employment with the NHS. He received universal credit which included a housing element. He accepted that there were arrears of rent of £3028. He advised that the Respondent would be able to pay off the arrears of rent when he became entitled to his pension in August 2026. He advised the Tribunal that his client was on the Local Authority housing list and his organisation were providing the Respondent with advice and assistance in relation to his housing difficulties. He needed to be re-housed in a ground floor one bedroom property and they were actively pursuing accommodation for him.

9. The Tribunal adjourned the CMD to deliberate outwith the presence of the parties' agents. After a brief adjournment the Tribunal resumed the CMD and confirmed the outcome.

Findings in Fact and Law

10. The Applicant is the owner of the property in terms of a Land Certificate registered in the Land Register of Scotland under title number AYR37644. The Applicant is the landlord, and the Respondent is the tenant of the property in terms of a private residential tenancy agreement which commenced on 17th November 2023.
11. The Applicant's agents sent a Notice to Leave as defined by Section 62 of the 2016 Act to the tenant by Sheriff Officers on 27th April 2025. In terms of the Notice, the Respondent was advised that an application might be submitted to the Tribunal after 16th July 2025.
12. A Notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicant to the Local Authority.
13. The Applicant wishes to purchase a new property along with her partner to live in. Her partner has sold his property, and they required the proceeds of sale from the property at 60 Marchfield Quadrant to put down as a deposit on a new property.
14. The Applicant had previously bought the property in 2006 and had resided there herself until 2013 when she moved to Cornwall.
15. The Applicant has no mortgage over the property.

16. The Applicant has entered into a selling arrangement with Lomond Estate Agents to market the property on the Respondent leaving.
17. There are arrears of rent amounting to £3028.
18. The Respondent lives alone in an upstairs two-bedroom property.
19. He is struggling to meet the monthly rental payments for the property. He receives £475 per month towards the rent from his universal credit payment.
20. The monthly rent is now £625 per month.
21. The Respondent is being assisted by his advisors in relation to a housing application.
22. He is looking for a one-bedroom ground floor property which would be more suited to his needs and circumstances.
23. The property would not be suitable for the Respondent in the long term because of his health issues.
24. It is reasonable to make an Eviction Order.

Reasons for Decision

25. The Tribunal was satisfied having considered all the documentary evidence in the submissions from both parties' representatives at the CMD that they had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The Tribunal were not persuaded that it was necessary to assign an evidential hearing. The Respondent's representative did not challenge the factual basis set out in the application or in the supporting submissions or affidavit evidence.
26. The Tribunal is satisfied that the Applicant had completed the statutory requirements in relation to service of a Notice to Leave on the Respondent.
27. The Tribunal was satisfied that the Applicant wished to sell the property to use the funds to put down as a deposit on a new house.
28. The Tribunal considered the Respondent's circumstances. It was accepted that he had some medical issues and had been diagnosed ten years ago with

Multiple Sclerosis. The Tribunal understood that his symptoms had worsened over the last two years. There were no dependents residing with the Respondent. The property was not going to be suitable for the Respondent's long-term needs. The Respondent had allowed rent arrears to accumulate.

29. The Tribunal considered whether it was reasonable to make an Eviction Order given the information available to it. The Tribunal attached considerable weight to the fact that the Applicant wished to sell the property to put down a deposit on a new house, the fact that there were significant rent arrears and that in the long term the Respondent was not going to be able to carry on living in the property due to his financial situation and health issues.
30. Having considered the factors relevant to reasonableness the Tribunal concluded that it was reasonable for an order for eviction to be granted. The Tribunal was satisfied that the provisions in paragraph 1 of Schedule 3 in the 2016 Act to be met in this case.
31. The Tribunal considered that as the Respondent was receiving assistance in relation to looking for re-housing but had specific medical needs that required to be considered, it was appropriate that he be given additional time to be re-housed.
32. The decision of the Tribunal was unanimous.

Decision

The Tribunal grants an Order for possession of the Property but postpones the period of enforcement by 60 days.

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.

Robert MacDonald

26.5.26

Legal Member/Chair

Date