



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/25/4611

Re: Property at 84 Thornhill Drive, Kirkcaldy, KY2 5BJ (“the Property”)

Parties:

Glenroy Properties Limited, 18 Floors Place, Kirkcaldy KY2 5SF (“the Applicants”)

Mrs Daniela Iaria Ciurar, 84 Thornhill Drive, Kirkcaldy, KY2 5BJ (“the Respondent”)

Tribunal Members:

George Clark (Legal Member) and Helen Barclay (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application should be decided without a Hearing and issued an Eviction Order against the Respondent.

Background

1. By application dated 23 October 2025, the Applicants sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 20 November 2024 at a rent of £350 per month, and a Notice to Leave dated 19 June 2025 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 14 September 2025. The Applicant also provided the Tribunal with a copy of a letter of 24 November 2025 from First for Homes, estate agents, Glenrothes confirming they had instructions to sell the Property.
3. The Applicants, per Mrs Caroline Frame, their Director and Secretary, stated that they require to sell the Property as Mrs Frames’s husband dealt with their rental properties but was no longer able to do so due to ill health.

4. On 31 March 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 21 April 2026. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

5. A Case Management Discussion was held by means of a telephone conference call on the afternoon of 13 May 2026. The Applicants were represented by Mrs Jacqueline Barr of Streets Ahead Scotland, Kirkcaldy. The Respondent was present and was assisted by her brother, Mr Yon Dorot.
6. The Applicants' representative told the Tribunal that it was Mrs Frame's father and husband who set up the business. Her husband had dealt with the rental properties but had had to retire due to developing dementia and he died in February 2026. His father had died in November 2025. Mrs Frame was struggling with her mental health and loss and could not cope with managing the company's properties. There are three properties in addition to the present one and Tribunal applications for Eviction Orders in respect of the other three are scheduled for June 2026. Mrs Barr added that the rent for the Property is now £3,600 in arrears, with nothing paid in the last three months. The Respondents had been in touch with Private Rental Solutions in Fife, who had been in contact with the Respondent to offer support.
7. The Respondent told the Tribunal through her brother that she has two children aged 7 and 3 and that she does not currently work. She is in receipt of Universal Credit which she accepted includes a housing costs element. She has not been in contact with Fife Council with a view to being rehoused. She has, however, been offered another private rented property with a move-in date between 15 and 20 July 2026.
8. Mrs Barr told the Tribunal that, whilst it did not appear that the Respondent had been trying very hard to seek alternative accommodation, the Applicants would be content with a short extension to the date on which an Eviction Order could be enforced, but they would hope that, in the meantime, the Respondent would start paying rent again, as she is in receipt of benefits.

Reasons for Decision

9. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a Hearing.
10. Section 51 of the 2016 Act states that the 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 to the 2016 Act applies.

11. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.
12. The Tribunal noted that the Applicants have instructed estate agents and, having heard about Mrs Frame's personal circumstances, was satisfied that the Applicants intend to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
13. The Tribunal noted that, following the loss of her husband and father-in-law, Mrs Frame could not cope with managing rental properties and that the other three properties are also the subject of applications for Eviction Orders to allow the Applicants to sell up. The Tribunal also noted that, whilst she had not sought help from the Council, the Respondent had been offered another property in the private sector, and it would be available between 15 and 20 July 2026. Having considered carefully all the evidence before it, the Tribunal decided that it would be reasonable to issue an Eviction Order, but that it should not be enforceable before 20 July 2026.
14. The Tribunal takes the opportunity to remind the Respondent that she remains liable to pay all rent due up to the date on which she vacates the Property.
15. The Tribunal's decision 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.

George Clark

Legal Member/Chair

13 May 2026

Date