



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/25/5060

Re: Property at 36B Old Road, Huntly, AB54 8DR (“the Property”)

Parties:

Mrs Rosanna Grieve, 2 Westfield Cottages, Fortrie, Turriff, AB53 4HX (“the Applicant”)

Miss Beth-Rose Hastie, 31D Marischal Street, Aberdeen, AB11 5AD (“the Respondent”)

Tribunal Members:

Martin McAllister (Legal Member) and Jane Heppenstall (Ordinary Member) (“the tribunal”)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) determined that the application for an order of eviction be granted.

Background

1. On 22 November 2025, the Applicant submitted an application to the First-tier Tribunal for Scotland seeking an order of eviction on Ground 1, Part 3 of Schedule 3 of the 2016 Act.
2. On 11 February 2026, the application was accepted for determination by the Tribunal.
3. A case management discussion was held by audio conference on 23 June 2026.

The case management discussion

Preliminary Matters

4. An application for an order of payment was considered on the same date.
5. The Applicant was present. There was no appearance by the Respondent and it was noted that the details of the case management discussion had been intimated to her by Sheriff Officer on 27 May 2026. The tribunal decided that, in the circumstances, the case management discussion could continue in her absence.
6. The legal member explained the purpose of a case management discussion.
7. It was noted that the Applicant had served the Respondent with a notice to leave dated 20 August 2025 in which the ground stated was Ground 1, Part 3 of Schedule 3 of the 2016.
8. It was noted that the Applicant had served a further notice to leave on 25 January 2026 in which the grounds stated were Grounds 10,11 and 12.
9. The Applicant explained that she considered all grounds to be relevant. She said that she had served the first notice to leave because of her need to sell the Property and that this was still the case. She said that the Respondent then got into rent arrears, moved from the Property to a different address and breached conditions of the tenancy agreement. She said that the Respondent had refused to relinquish the Property, despite moving to another address and had told the Applicant that she needed to retain it because she needed it for her belongings. The Applicant said that she had offered to help the Respondent move belongings but that this was not accepted.
10. The Applicant invited the tribunal to determine the application without adjourning the matter to a hearing and to issue an eviction order on the grounds which she had referred to.

Discussion

11. The Applicant said that the Property was her only buy to let property and that she had intended it to be part of her "pension arrangements." She said that her personal circumstances had changed after the birth of her daughter and that she has no income. She said that she is having to fund the mortgage for the Property which amounts to around £250 per month, together with insurance and other costs against a background of not receiving payment of rent from the Respondent. She said that the level of rent arrears is currently £5600.

12. The Applicant referred to the letter from Messrs Stewart and Watson, solicitors and estate agents dated 19 August 2025. She said that this comprised an estimate of fees and outlays for estate agency costs for the sale of the Property.
13. The Applicant said that it is her intention to put the Property on the market as soon as she has recovered possession of it.
14. The Applicant said that the Respondent had resided in the Property on her own and that she is now living somewhere else.

15. Findings in Fact

- (i) The Applicant owns the Property.
- (ii) The Applicant and the Respondent entered into a private residential tenancy agreement in respect of the Property on 27 and 30 April 2024.
- (iii) The tenancy commenced on 4 May 2024.
- (iv) The monthly rent due under the private residential tenancy is £560.
- (v) The Applicant has given the appropriate notice to the local authority in terms of the Homelessness etc (Scotland) Act 2003.
- (vi) The Applicant intends to market the Property for sale whenever she has recovered possession of it.

16. Finding in Fact and Law

It is reasonable to grant the order of eviction.

17. Documents before Tribunal

- (i) Title Sheet to the Property (ABN102814)
- (ii) Private residential tenancy agreement.
- (iii) Copy Notices to Leave dated 20 August 2025 and 25 January 2026.
- (iv) Copy Section 11 intimation to local authority.
- (v) Letter from Messrs Stewart and Watson, solicitors and estate agents dated 19 August 2025.
- (vi) Sheriff Officer's report and certificate of service dated 27 May 2026.

18. The Law

Section 51 of the 2016 Act:

First-tier Tribunal's power to issue an eviction order

(1) 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.

(2) The provisions of schedule 3 stating the circumstances in which the Tribunal may find that an eviction ground applies are exhaustive of the circumstances in which the Tribunal is entitled to find that the ground in question applies.

(3) The Tribunal must state in an eviction order the eviction ground, or grounds, on the basis of which it is issuing the order.

(4) An eviction order brings a tenancy which is a private residential tenancy to an end on the day specified by the Tribunal in the order.

Ground 1, Part 3 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.

Determination of whether Ground 1 had been met

19. The tribunal was satisfied that there was no requirement for determination of the application to be adjourned to a hearing.

20. The tribunal took note of the documents submitted by the Applicant.

21. The tribunal was satisfied that the Applicant intends to sell the Property. The letter from Messrs Stewart and Watson and the information from the Applicant was supportive of this.

22. The Respondent had the opportunity to make written representations and/or attend the case management discussion. She chose not to do so.

Reasonableness

23. The Applicant said that she needed to sell the Property because of her changed circumstances. She was also receiving no income from it, although she still required to make the monthly mortgage payments and meet other costs.

24. The Sheriff Officer who served the necessary intimation of the case management discussion on the Respondent stated that she was now residing at 31D Marischal Street, Aberdeen, AB11 5AD.

25. The Applicant stated that the Respondent is now residing elsewhere but has not relinquished the Property because her belongings are still in it.

Reasons for Decision

26. The tribunal was satisfied that the Notice to Leave was in appropriate terms and had been served on the Respondent. The tribunal was satisfied that the appropriate notice had been served on the local authority.

27. The tribunal was satisfied that the Applicant owns the Property and is therefore entitled to sell it.

28. The tribunal was satisfied that the Applicant intends to market the Property for sale.

29. The tribunal determined that Ground 1 had been met.

30. The tribunal required to consider whether or not the granting of an order of eviction was reasonable. It is a matter of judicial discretion and, in considering reasonableness, a balancing exercise requires to be undertaken.

31. The Applicant's position was clear and, in the absence of opposition, was reasonable.

32. The Respondent no longer resides in the Property.

33. The Respondent had chosen not to engage with the Tribunal process and offered no opposition to the application.

Decision

34. The tribunal determined that the application should be granted and that an eviction order should be made.
35. In view of its determination that it was appropriate to grant the order of eviction under Ground 1, the tribunal did not consider it necessary to consider the other grounds contained in the notice to leave dated 25 January 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.

**Martin J. McAllister
Legal Member
23 June 2026**

