



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/25/5286

Re: Property at 15 Lochalsh Road, Kyle of Lochalsh, IV40 8BP (“the Property”)

Parties:

Mr Darach Urquhart, 10 Kirkintilloch Road, Bishopbriggs, G64 2AX (“the Applicant”)

Mr Alex McGrotty, 15 Lochalsh Road, Kyle of Lochalsh, IV40 8BP (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Eileen Shand (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application dated 8 December 2025 the Applicant sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 13 February 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
2. A Case Management Discussion (CMD) was set to take place on 26 June 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 26 June 2026 via telephone case conference. The Applicant attended the hearing. The Respondent did not take part. The Tribunal was satisfied that the Respondent had received personal service of the application and details of the CMD by sheriff officers on 2 June 2026. As such the Tribunal decided to proceed with the CMD in the absence of the respondent.
4. The Tribunal heard from the Applicant.
5. The Applicant inherited the Property from his grandfather when he was a child. The Applicant lives in Glasgow with his family, and his parents have always managed the Property on his behalf. There are no issues with the current tenancy.
6. The Applicant has decided to sell the Property. Initially and when the application was made he intended to sell the Property to his sister and there is a signed statement in the papers which confirm her intention to purchase it. The Applicant's sister no longer intends to purchase the Property. The Applicant explained that the tribunal process had taken a long time and in that time his sister and her husband purchased an alternative property. They did so at the end of May 2026 as their child is due to be born in the coming days and they wished to be settled in their new home prior to the birth.
7. Despite this the Applicant confirmed that it was still his intention to sell the Property. He cannot expect his parents to continue with the management of a property he does not intend to live as they are now in their 70s. He intends to instruct a solicitor when this process is complete.
8. The Applicant told the Tribunal that the Respondent lives alone and is between 40 and 50 years old. He works locally in a shop. The Applicant's father regularly communicates with the Respondent. The Respondent has advised the Applicant's father that he has been in contact with Highland Council with a view to finding alternative accommodation and been advised by the Council that they cannot help until he has an order for ejection from the Tribunal.

Findings in Fact

9. The Applicant is the heritable proprietor of the Property.
10. The Applicant is the landlord and the Respondent the tenant in terms of the private residential tenancy entered into on 1 February 2025.
11. On 8 December 2025 the Applicant served upon the Respondent a notice to leave as required by the Act. The notice informed the Respondent that the applicant wished to recover possession using the provisions of the Act.
12. A notice was served on Highland Council by the applicants under section 11 of the Homelessness etc (Scotland) Act 2003 on 6 January 2026.
13. The Applicant is entitled to sell the Property and intends to do so.

Reasons for Decision

14. The Tribunal noted that the eviction was sought under and in terms of ground 1 of schedule 3 of the Act.

15. That ground is in the following terms:

“1. Landlord intends to sell

(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 the 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.”

16. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the Respondent indicating that the Applicant intended to seek an eviction order based on ground 1. The Applicant is entitled to sell the property. The Applicant produced a signed letter from his sister confirming her intention to purchase the Property. The Applicant confirmed that his intention had not changed now that his sister has required to purchase an alternative property.

17. The Tribunal is satisfied that the Applicant intends to sell or at least market the property at market value within 3 months of the tenant ceasing to occupy. The Tribunal accept the evidence of the Applicant on that matter.

18. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

19. The Tribunal find that it is reasonable to grant the order.

20. The Tribunal accepts that the Applicant is entitled to sell and wish to do so.

21. The Respondent has not provided the Tribunal with any information as to his present circumstances. The Tribunal accept the evidence of the Applicant that the Respondent lives alone in the Property and is employed. It is within the Tribunal's knowledge that if an eviction order was granted on the basis of the ground specified the local authority would owe duties to the Respondent in terms of the Housing (Scotland) Act 1987 as a person threatened with homelessness. The Tribunal accept the evidence of the Applicant that the Respondent has been advised of this by Highland Council.

22. In all the circumstances it is reasonable to grant the order.

23. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

J. McKinlay

26th of June 2026

Legal Member/Chair

Date
