

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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

**Chamber Ref: FTS/HPC/EV/26/0179**

**Property at 104A Charlotte Street, Fraserburgh, Aberdeenshire, AB43 9LS (“the Property”)**

**Parties:**

**Mrs Barbara Holligan, West Frostybrae, Maud, Peterhead, Aberdeenshire, AB42 5PF (“the Applicant”)**

**Mr Stuart Ledingham, 104A Charlotte Street, Fraserburgh, Aberdeenshire, AB43 9LS (“the Respondent”)**

**Tribunal Members:**

**Josephine Bonnar (Legal Member) and Ann Moore (Ordinary Member)**

**Decision - in absence of the Respondent**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.**

**Background**

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, evidence of the intention to sell a section 11 notice and a rent statement were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 20 August 2026 at 2pm and they were required to participate. On 11 August 2026, the Applicant lodged written submissions and further documents including an updated rent statement,

evidence of damage to the property and a letter from her GP.

3. The CMD took place on 18 August 2026. The Applicant participated. The Respondent did not participate and was not represented. He did not contact the Tribunal in advance of the CMD.

### **Summary of Discussion at CMD**

4. Mrs Holligan told the Tribunal that the last contact she had with the Respondent was when she went with the joiner to the property to try to get the damaged front door replaced. It was approximately two weeks ago. He spoke to her through the door but would not allow access for the repair to be carried out. Mrs Holligan said that she sold her other rental property three years ago and the property is now her only rental property. In response to questions about the Respondent, she said that he has a son of about 6 years of age who visits and stays sometimes at weekends and during the holidays but otherwise lives with his mother. There are rent arrears of about £1000. Rent payments and small additional payments to the arrears are now being made directly by Universal Credit. Mrs Holligan said that she does not know why the Respondent has a support worker although he told her that he suffered from mental health issues a few years ago. He told her recently that he is feeling well.

### **Findings in Fact**

5. The Applicant is the owner and landlord of the property.
6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
7. The Applicant intends to sell the property as she can no longer cope with being a landlord due to her age and health issues.
8. The Respondent lives at the property alone. He has a child who visits but resides with his mother.
9. The Respondent has been in rent arrears since the start of the tenancy. He has also caused damage to the property and refused access for essential repairs to be carried out.
10. The Respondent did not attend the CMD and has not advised the Tribunal whether the application is opposed.
11. The Applicant served a Notice to leave on the Respondent on 1 December 2025.

## Reasons for Decision

12. The application was submitted with a Notice to Leave dated 28 November 2025 together with a Sheriff Officer certificate of service which establishes that it was served on 1 December 2025. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
13. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."
14. Ground 1 of schedule 3 (as amended) states, "(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."
15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.
16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
  - (a) The Applicant is selling the property as she can no longer cope with being a landlord due to her age and health difficulties. She has already sold her other rental property.
  - (b) The Respondent has not indicated whether the application is opposed.
  - (c) Although the Respondent has a child, the child lives with his mother and will not be adversely affected if the order is granted.
  - (d) The Respondent has incurred arrears of rent, has caused damage to the property and has failed to provide access for essential repairs.
  - (e) The Respondent told the Applicant that he has a support worker. However, the Applicant does not know why this is required. She understands that he previously suffered from mental health problems but not that he has any current health issues.

17. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 16 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

## **Decision**

18. The Tribunal determines that an eviction order should be granted against the Respondent.

## **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.**

**Josephine Bonnar, Legal Member**

**20 August 2026**