



**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/25/5457

Property at Flat 4, 54a High Street, Alloa, FK10 1JD (“the Property”)

Parties:

Mr John Nicholas, 187 Claremont, Alloa, FK10 2ER (“the Applicant”)

Mr Josh Brown, Flat 4, 54a High Street, Alloa, FK10 1JD (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

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. The Tribunal also ordered a delay in execution of the order in terms of Rule 16A(d) of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 until 30 November 2026.

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 and a section 11 notice 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 23 July 2026 at 10am and they were required to participate.

3. The CMD took place on 23 July 2026. The Applicant was represented by Ms Wallace from Martin and Co. The Respondent participated.

Summary of Discussion at CMD

4. Mr Brown told the Tribunal that he does not oppose the application. However, he is seeking additional time to obtain accommodation from the Local Authority. He said that he has been accepted as a homeless person by two Local Authorities. He is fairly high on the list with Stirling Council and hopes to avoid temporary accommodation. In response to questions from the Tribunal Mr Brown said that his rent is up to date and he lives at the property alone. He has lived there for almost 7 years. He has been flexible about areas in his homeless application forms. He is going back to Stirling University in September having had a leave of absence due to health issues. Although he asked both Councils about timescales for getting an offer of housing, they were unable to provide this. In the circumstances he seeks an additional 2 or 3 months to give time for an offer of accommodation to be made.
5. Ms Wallace told the Tribunal that the Applicant is of retirement age and is planning to sell his portfolio of properties. His wife has had some health issues, and he wants more time to spend with her. He is selling his rental properties gradually. There is no financial pressure to sell but he is keen to make progress. Ms Wallace also said that the Respondent has been a good tenant and his rent is up to date. She said that an additional 2 or 3 months would not be opposed but she is concerned that the Councils will not house the Respondent until he is evicted and the Applicant is at their mercy because of this.

Findings in Fact

6. The Applicant is the owner and landlord of the property.
7. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
8. The Applicant intends to sell the property as he has reached retirement age and is planning to sell his portfolio in order to spend more time with his wife.
9. The Respondent resides at the property alone. He has resided there for 7 years, and his rent is up to date. He does not oppose the application.
10. The Respondent has applied to two Local Authorities for housing. He hopes to be offered permanent accommodation but has not been told how long he will have to wait.
11. The Applicant served a Notice to leave on the Respondent on 2 June 2025.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 2 June 2025 together with a copy email which establishes that it was sent by email to the Respondent on that date. 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 Respondent does not oppose the application. He has applied to two Local Authorities, has been accepted as homeless, and hopes to be offered permanent accommodation. Although he has lived in the property for 7 years, he is content to re-locate to another area.
 - (b) The Applicant is of retirement age and is selling his portfolio of properties to spend more time with his wife who has 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.

18. The Tribunal then considered the Respondent's request for a delay in enforcement of the order. The Tribunal notes that the Respondent has resided at the property for 7 years and has been a good tenant. His rent is up to date. He is keen to avoid the possibility of temporary accommodation if this is possible. The Tribunal also notes that the Applicant is not under any financial pressure to sell and still has a number of other rental properties which are still occupied by tenants. A short delay of 2 or 3 months is not opposed. In the circumstances, the Tribunal is satisfied that a delay in enforcement to the end of November 2026 is appropriate.

Decision

19. 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

Josephine Bonnar, Legal Member

23 July 2026