

Housing and Property Chamber
First-tier Tribunal for Scotland



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/26/0747

Re: Property at 10 Laxford Road, Glenrothes, Fife, KY6 2EB (“the Property”)

Parties:

Ms Rajinder Sangha, Highways, Old Watling Street, Gravesend, Kent, DA11 7NT (“the Applicant”)

Miss Heather Donnelly, 10 Laxford Road, Glenrothes, Fife, KY6 2EB (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

Background

1. By application dated 16 February 2026 the Applicant sought an order under section 51 of the 2016 Act and in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Rules”). On 6 March 2026 the application was accepted by the Tribunal and referred for determination.
2. A Case Management Discussion (CMD) took place on 20 March 2026 *via* telephone conference call. The Applicant was represented by Ms Alexandra Wooley, Messrs Bannatyne Kirkwood France & Co. The Respondent participated and was represented by Frontline Fife, namely Ms Shona Morison.

3. Appropriate intimation of that CMD was given to all parties.

The CMD

4. The Tribunal explained the purpose of the CMD and the powers available to the Tribunal to determine matters.
5. The Tribunal asked questions of the parties and representatives in relation to the application.
6. The Applicant confirmed her wish for an Order to be made.
7. The Respondent confirmed that she did not oppose an Order for eviction being granted.

Findings in Fact

8. The Applicant owns the Property.
9. The Applicant and Respondent are respectively the landlord and tenant who entered into a Private Residential Tenancy Agreement (PRT) in terms of the 2016 Act for the Property, commencing on 26 July 2019.
10. The agreed monthly rental was £490 per month.
11. On 1 October 2025, the Applicant served upon the Respondent a Notice to Leave (NTL) as required by the 2016 Act. Service was effected by email in line with the Tenancy Agreement on 1 October 2025. The notice informed the Respondent that the Applicant wished to seek recovery of possession of the let property using the provisions of the Act. The notice set out one of the grounds contained in schedule 3 of the Act, namely ground 1 (that the landlord intends to sell the let Property). The NTL was correctly drafted in accordance with the requirements of the Act and gave the appropriate notice period as required in law.
12. Having regard to the submissions from both parties, the Tribunal is satisfied that it is reasonable to issue an eviction order on account of the fact that the Applicant intends to sell the Property, is entitled to do so, and intends to sell it, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it.
13. The Applicant intends to sell the Property to realise equity contained therein, release capital, and use the same to assist with her parents' care.

14. The Respondent was not opposed to the granting of the application. She had been given assurance from the Local Council that it would source temporary accommodation for her and her two children living in the Property.
15. The basis for the order for possession on ground 1 was thus established.

Reason for Decision

16. The order for possession sought by the Applicant was based on a ground specified in the Act and properly narrated in the notice served on the Respondent. The Tribunal was satisfied that the notice had been served in accordance with the terms of the Act and that the Applicants were entitled to seek recovery of possession based upon that ground.
17. The Tribunal accepted the evidence presented on behalf of the Applicant with regards to reasoning for selling the Property and were thus satisfied they did intend to sell the Property in line with the requirements under the act and it was reasonable to grant eviction on that basis.
18. In any event, the Respondent was represented and did not oppose the application. Despite Fife Council having a housing shortage, they would have to find temporary accommodation for the Respondent to meet their statutory duties and they had indicated to the Respondent that they would find temporary accommodation.

Decision

19. The ground for eviction based on the landlord intending to sell the Property was accordingly established.
20. The Tribunal has a duty, in such cases, to consider the whole of the circumstances in which the application is made. It follows that anything that might dispose the Tribunal to grant the order or decline to grant the order will be relevant. This is confirmed by one of the leading English cases, *Cumming v Danson* [1942] 2 All ER 653 at 655, where Lord Greene MR said:

“In considering reasonableness... it is, in my opinion, perfectly clear that the duty of the Judge is to take into account all relevant circumstances as they exist at the date of the hearing. That he must do in what I venture to call a broad commonsense way as a man of the world, and come to his conclusions giving such weight as he thinks right to the various factors in the situation. Some factors may have little or no weight, others may be decisive, but it is quite wrong

for him to exclude from his consideration matters which he ought to take into account.”

21. In determining whether it is reasonable to grant the order, the Tribunal is required to balance all the evidence which has been presented and to weigh the various factors which apply to the parties.

22. In this case, the Tribunal finds that it is reasonable to grant the order. The balance of reasonableness is weighted in favour of the Applicant.

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.

13th August 2026

Legal Member/Chair

Date