



**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/26/0207

Property at 11 Summer Road, East Wemyss, KY1 4QB (“the Property”)

Parties:

Aitchison & Jones Ltd, 4 Lothian Street, Dalkeith, EH22 1DS (“the Applicant”)

**Mr Thomas Pike, 11 Summer Road, East Wemyss, KY1 4QB (“the
Respondent”)**

Tribunal Members:

Josephine Bonnar (Legal Member) and Elizabeth Williams (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 27 October 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 18 August 2026 at 10am and they were required to participate.

3. The CMD took place on 18 August 2026. The Applicant was represented by Ms Gray. The Respondent participated.

Summary of Discussion at CMD

4. Mr Pike told the Tribunal that he does not oppose the application. However, he had not managed to find alternative accommodation. He has applied for a number of private lets but may have to apply to the Council as a homeless person. Mr Pike confirmed that he is 51 years of age and resides at the property alone. He is not working and is in receipt of benefits. He has mental health difficulties. In relation to the possibility of a delay in enforcement of the order, Mr Pike said that he would appreciate an extra couple of months to give him more time to secure a private let. He is aware that if he applies to the Council, he is likely to be placed in temporary accommodation. He confirmed that he has some arrears of rent and intends to repay these.
5. Ms Gray told the Tribunal that the Applicant is in the process of selling their portfolio of properties, for financial reasons. They intend to sell them all. Of the 10 or 11 properties that her company manages for the Applicant, only 4 or 5 are left. In relation to the question of a delay in enforcement, Ms Gray said that the Applicant wants to put the property on the market as soon as possible for financial reasons. She stated that the Notice to leave was served some considerable time ago and that the FTT recently granted an eviction order for a property in the same block with the standard timescales. In response to questions from the Tribunal Ms Gray said that there are arrears of about £440, but these are not increasing and the rent charge is being met by universal credit.

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 they are selling all their rental properties for financial reasons.
9. The Respondent resides at the property alone. He has resided there for 5 years. He is not in employment and has mental health issues. He does not oppose the application.
10. The Respondent has applied for private lets but has not secured alternative accommodation. If he cannot obtain a private let, he will require to apply to the Council as a homeless person.
11. The Applicant served a Notice to leave on the Respondent on 20 October 2025.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 20 October 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.
 - (b) The Applicant is selling their portfolio of properties for financial reasons.
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 5 years and although he has incurred some arrears of rent, they are less than £500 and not increasing. The Respondent would prefer to

avoid the possibility of Local Authority temporary accommodation if this is possible. He has been actively looking for another private let but will have to apply to the Council as a homeless person if he is unsuccessful. The request for additional time is opposed by the Applicant. They argue that the FTT recently granted an eviction order for a property in the same block with standard timescales. This is not a convincing argument. The Tribunal is not bound by the decision of the FTT in another case and the circumstances of each respondent may be different. The Applicant also relies on their financial hardship and the fact that the Notice to leave was issued 10 months ago. However, no details or evidence of the financial hardship was provided, and the Respondent is only seeking a short delay. Having regard to all the circumstances the Tribunal is satisfied that a delay in enforcement should be granted to 27 October 2026. This will give the Respondent an additional 4 weeks beyond the usual timescale of 6 weeks.

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, Legal Member

18 August 2026