



**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/26/0217

Property at 14 Lowther Place, Kilmarnock, KA1 3RE (“the Property”)

Parties:

Jams Property Services LTD, 17 Mure Avenue, Kilmarnock, KA3 1UH (“the Applicant”)

Miss Gillian Darling, 14 Lowther Place, Kilmarnock, KA1 3RE (“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.

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 2pm and they were required to participate. On 4 August 2026, the Applicant submitted a rent statement and two emails from the Respondent in response to pre-action protocol letters regarding rent arrears. Due to administrative oversight, these were not circulated until 18 August 2026. On 17 August 2026, the Respondent’s representative notified the Tribunal by email that the Respondent does not

oppose the application as she intends to vacate the property on 28 or 29 August 2026. He also asked if the application could be determined without a CMD. The parties were notified that the CMD would still proceed.

3. The CMD took place on 18 August 2026. The Applicant was represented by Mr Stewart. The Respondent was represented by Mr Tierney.

Summary of Discussion at CMD

4. Mr Tierney advised the Tribunal that the Respondent has been offered accommodation by a local housing association. She was not sure when the property would be available but has now confirmed that she can move in at the end of the month. In response to questions from the Tribunal, Mr Tierney said that the Respondent lives at the property with her two sons who are aged 4 and 9. She works part time. The housing association property will be a better option for her as her UC housing costs will cover all the rent and she will not have to worry about finding somewhere new if a private landlord wants the property back. He confirmed that the Respondent will contact the letting agent about the return of the keys when she has moved.
5. Mr Stewart told the Tribunal that this is the last of his 22 rental properties. He is selling all his properties and retiring from the rental market. He confirmed that the Respondent had been a good tenant until the notices were served. He intends to make an application for a payment order for the rent arrears.

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 its directors are retiring and selling all their rental properties.
9. The Respondent does not oppose the application and has stated that she intends to vacate the property within the next two weeks. She has been offered alternative accommodation by a local housing association.
10. The Applicant served a Notice to leave on the Respondent on 16 October 2025.

Reasons for Decision

11. The application was submitted with a Notice to Leave dated 16 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.

12. 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."
13. 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."
14. 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.
15. 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. She has stated that she will be vacating the property within the next two weeks and has been offered more suitable accommodation by a housing association.
 - (b) The Applicant is selling their portfolio of properties as the directors of the company are retiring.
16. 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

17. 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