



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

Chamber Ref: FTS/HPC/EV/26/0988

Re: Property at 100 Waverley Crescent, Kirkintilloch, G66 2DA (“the Property”)

Parties:

Mrs Pauline Differ, Dallachapple, Cromdale, Granton on Spey, PH2 3LN (“the Applicant”)

Mr Steven Briggs, Mrs Nicola Briggs, 100 Waverley Crescent, Kirkintilloch, G66 2DA (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Eileen Shand (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016. The Tribunal determined that it was reasonable to suspend enforcement of the order until 31 January 2027.

Background

1. By application dated 27 February 2026 the applicant seeks an order for eviction relying on ground 1 in schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 - landlord intends to sell the property.
2. The applicant lodged the following documents with the application:
 - Copy tenancy agreement
 - Notice to leave with proof of service
 - Section 11 notice

- Copy correspondence messages between the parties
 - Letter of engagement with Coda Estates Ltd regarding marketing the property for sale
3. A case management discussion (“cmd”) was assigned for 8 September 2026

Case management discussion – 8 September 2026- teleconference

4. The applicant attended with her representative, Ms Cook, Coda Estates Ltd. Both respondents were in attendance with their representative, Ms Dallas, Citizens Advice.
5. Ms Cook stated that the applicant sought an order for eviction as she intended to sell the property. Ms Dallas stated that the respondents did not oppose an order for eviction being granted however, they sought an extension to the period of time before the order became enforceable.
6. Ms Dallas stated that the applicants reside with their 3 school aged children. They had been looking for alternative accommodation however, there is a shortage of suitable 3 bedroomed accommodation in the local area. Ms Dallas stated that the cost of private sector accommodation had increased significantly since the tenancy commenced. The respondents had applied to the local authority and housing associations for accommodation. Given the lack of affordable housing, an extension would allow the family additional time to find suitable accommodation.
7. The Tribunal adjourned briefly to allow the applicant to consider the respondents’ request. Ms Cook advised that the applicant agreed to a suspension until 31 January 2027 to allow the respondents time to make arrangements for leaving the property.
8. Ms Differ confirmed that her intention would be to sell the property after vacant possession was obtained. She stated that both she and her husband were retired and the funds from sale of the property were required as part of their financial provision for retirement.

Findings in fact

9. Parties entered into a private rented tenancy agreement with a commencement date of 9 January 2023.

10. The applicant is the joint owner of the property with her husband Alan Differ.
11. A valid notice to leave was served on the respondents on 1 December 2025.
12. The applicant intends to sell the property as part of her financial planning for retirement.
13. The respondents have been actively looking for alternative accommodation.
14. The respondents reside with their 3 school aged children. They require a 3 bedroomed property.
15. The respondents have applied for housing from the local authority and local housing associations.

Reasons for decision

16. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

17. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) *Subject to paragraph (2), the First-tier Tribunal—*

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

18. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.
19. Ground 1 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.

(3) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a) a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b) a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

20. The Tribunal accepted the evidence that the applicant intended to sell the property. This was not disputed by the respondents.
21. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.
22. The Tribunal gave significant weight to the fact that the respondent did not oppose an order for eviction being granted and made no objection to the reasonableness of the order being granted. In the absence of opposition the Tribunal determined that it was reasonable to grant an order.
23. In relation to the respondents' request to vary the date of execution the Tribunal accepted the respondents' submissions relating to their personal circumstances and the shortage of affordable suitable accommodation. A delay in enforcement would allow additional time for the local authority to assist after an order was granted and for the family to make arrangements to leave the property. The Tribunal took into account that the applicant agreed to a proposed suspension until 31 January 2027. The Tribunal determined that in light of the

foregoing factors it was reasonable to suspend enforcement until 31 January 2027.

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.

M-C Kelly

8 September 2026
Date