



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/26/1348

Re: Property at 21 Queens Place, Dunbar, East Lothian, EH42 1YA (“the Property”)

Parties:

Mr Ross Logie, Villa A3, Street D13, District 9 JVT, Dubai, United Arab Emirates (“the Applicant”)

Mr Jamie Thompson, Jane Thompson, 21 Queens Place, Dunbar, East Lothian, EH42 1YA (“the Respondent”)

Tribunal Members:

Craig Chisholm (Legal Member) and Helen Barclay (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 24 March 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 28 April 2026 the application was accepted by the Tribunal and referred for determination.
2. A Case Management Discussion (CMD) took place on 11 September 2026 *via* telephone conference call. The Applicant was personally present. The Respondent was personally present.
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 in relation to the application.
6. The Applicant confirmed his wish for an Order to be made.
7. The Respondent confirmed that he opposed 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 18 May 2020.
10. The agreed monthly rental was £980 per month.
11. On 26 December 2025, the Applicant served upon the Respondent a Notice to Leave (NTL) as required by the 2016 Act. Service was effected by email on 26 December 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. The Applicant had complied with the requirements of Section 56 of the 2016 on 22 March 2026. Emails had been lodged as part of the Application and submissions from the Applicant at the CMD supported this.
13. 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.
14. The Applicant had marketed the Property for sale and had accepted an offer for said Property. The Applicant was purchasing another property and

required to use the proceeds of sale from the sale of the Property to complete on his onwards purchase. If that did not occur by 31 October 2026, there would be significant financial implications for the Applicant. The Applicant provided submissions that him and his four children and currently in temporary accommodation due to awaiting completion on their onward purchase. The Applicant advised various offers were made to the Respondent to support their move to alternative accommodation, which were all rejected.

15. The Respondent opposed the granting of the application and made submissions it was unreasonable to grant eviction based on their circumstances. The Respondent submitted they were settled in the Property and it is in close proximity to family members who require care. Submissions were made that due to the Respondent's families medical needs, the search for private housing within the locality was limited. The Respondent stated they had viewed around six properties as suitable alternative accommodation since March 2026 but were unable to secure them or they did not suit their needs once viewed. The Respondent advised they had engaged with the local council for housing support and discussions were ongoing.

16. The basis for the order for possession on ground 1 was thus established.

Reason for Decision

17. 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.

18. 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.

19. In any event, the local authority would have to find accommodation for the Respondent to meet their statutory duties.

Decision

20. The ground for eviction based on the landlord intending to sell the Property was accordingly established.

21. 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.”

22. 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.

23. 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.

Craig Chisholm

Craig Chisholm

11.09.26

Legal Member/Chair

Date