



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/26/0107

Re: Property at 71 Keith Drive, Glenrothes, KY6 2HY (“the Property”)

Parties:

Mr Samuel Walter Wood, Dun Aluinn, Kinross, KY13 0NR (“the Applicant”)

Ms Lyndsey Ireland, 71 Keith Drive, Glenrothes, KY6 2HY (“the Respondent”)

Tribunal Members:

Alastair Houston (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be made in terms of paragraph 1 of schedule 3 of the 2016 Act in favour of the Applicant.

1. Background

1.1 This is an application under rule 109 of the Chamber Rules whereby the Applicant seeks an eviction order on the basis of ground 1 of schedule 3 of the 2016 Act, namely, the Applicant intends to sell the property. The application was accompanied by copies of the written tenancy agreement between the parties, the notice to leave given to the tenant and a letter from estate agents confirming their instruction in relation to the marketing of the Property.

1.2 No written representations were lodged by the Respondent in advance of the Case Management Discussion.

2 The Case Management Discussion

2.1 The Case Management Discussion took place on 13 August 2026 by teleconference. The Applicant was represented by Ms McGowan of Innes Johnston Solicitors. The Respondent attended personally.

2.2 The Applicant's representative confirmed that the Applicant owned a portfolio of properties which were being sold one by one as he had reached retirement age. He wished to give up being a landlord due to the pressures involved. The Property had been purchased with the Respondent as a sitting tenant. A letter from estate agents had been provided in relation to the marketing of the Property. The Applicant had finance secured over the Property which was being repaid on an interest only basis. He intended to repay the capital sum with the proceeds of a sale. It was understood that the Respondent was seeking to be rehoused and the application was unopposed.

2.3 The Respondent confirmed that she had been content to receive the notice to leave by email. She had applied to the local authority for rehousing through their common housing register but no suitable property had yet been identified. She understood that, once an order had been granted by the Tribunal, the local authority would treat her as homeless and accommodation would be provided. This included temporary accommodation if needed. The Respondent resided with her 14 year old daughter and 16 year old son. Her daughter was disabled and this may affect the suitability of some accommodation.

2.4 The Tribunal queried whether, in the event the order was granted, whether the family's circumstances warranted any delay in enforcement. The Respondent advised they did not and she was not seeking any additional time. She would update the local authority after the Case Management Discussion. Given the parties' positions, the Tribunal indicated the eviction order would be granted.

3 Reasons For Decision

3.1 The Tribunal had noted that valid notice to leave had been given to the Respondent by the Applicant. The Applicant sought an eviction order on the basis of paragraph 1 of schedule 3 of the 2016 Act. Paragraph 3 is in the following terms:-

- 1(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.

In the present case, the Applicants had provided a letter confirming the instruction of estate agents. A reasoned explanation as to the decision to sell was also before the Tribunal. The Tribunal considered that the Applicants had demonstrated their intention to sell the property and were entitled to do so. There was no dispute between the parties and therefore no need for any further procedure.

3.2 The Tribunal thereafter considered it reasonable to issue an eviction order in all of the circumstances. The application was not opposed. The Applicant was retiring from acting as a landlord. He was disposing of his property portfolio and required to repay finance secured upon the Property. The Respondent had applied for rehousing and would be entitled to make a homeless application to the local authority. It was within the Tribunal's knowledge that the local authority would likely owe duties to her in terms of section 32 of the Housing (Scotland) Act 1987 to the Respondent in terms of rehousing should she be likely to become homeless within the next two months.

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.

Alastair Houston

Legal Member/Chair

13 August 2026
Date