



**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**

Chamber Ref: FTS/HPC/EV/26/1329

Re: Property at 5 Murray Place, Inverness, IV2 7PX (“the Property”)

Parties:

**Ms Eleanor Ross as Executrix of the late Lilian Ross, Akasha, Treeton,
Inverness, IV2 5EB (“the Applicant”)**

**Mr Sodiq Akindele, Ms Dolapo Ogunbiyi, 5 Murray Place, Inverness, IV2 7PX
 (“the Respondents”)**

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Williams (Ordinary Member)

Decision (in absence of the Respondents)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an eviction order should be granted**

Background

1. This is a Rule 109 application whereby the Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 19th May 2023, a notice to leave with evidence of service, a section 11 notice with evidence of service, death certificate, power of attorney and confirmation documentation, invoices and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by personal service by Sheriff Officer on 10th August 2026.
3. By email dated 28th August 2026, the Respondents lodged written representations requesting reasonable time to allow the local authority to provide social housing.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 17th September 2026. The Applicant was not in attendance and was represented by Mrs Alice Bruce, Solicitor. The Respondents were not in attendance.
5. The Tribunal considered the terms of Rule 29 of the Procedural Rules. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
6. Mrs Bruce said the Applicant received a WhatsApp message from the Respondents on 12th September 2026 to say they had been allocated a property by the local authority, but flooring and gardening work is required to the property. There was no timescale given for the work.
7. Mrs Bruce asked the Tribunal to grant an eviction order to allow the Applicant to sell the Property to settle care home and NHS debts. Although no legal action by either creditor is threatened, this has been mentioned in the past. It would not be reasonable to expect the Applicant to bear the legal costs of any action to recover the outstanding debt. There are no other assets available to settle the debts.
8. Responding to questions from the Tribunal, Mrs Bruce said the Applicant would wish an order to be granted with the usual timescale, but would not be averse to an additional month if that was the decision of the Tribunal. It is understood the Respondents have two young children. The Property has not been adapted for any disabilities.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 19th May 2023.
 - (ii) Notice to leave has been served upon the Respondents.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondents ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant is required to sell the Property to pay care home and NHS fees. There are no other assets of the estate to satisfy these debts. There is a threat of legal action to recover the debt if no order is granted.
13. The Tribunal took into account the written representations of the Respondents. They do not appear to be opposing the order. The Respondents indicated that change may impact one of their children, thus reasonable time was being sought to minimise disruption to the children and family. The Tribunal took into account the more recent information provided to the Applicant by the Respondents which suggests that alternative accommodation has now been offered. Unfortunately, the Respondents did not see fit to attend the CMD to provide any further information. The Tribunal was satisfied it had sufficient information to consider reasonableness.
14. The Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the order to 17th November 2026, considering the fact there are young children in the Property, one of whom may be affected by the disruption of having to move home, and the fact that there was a reference to additional time being required for works to the alternative accommodation. The Tribunal considered that it may be the case that the Respondents are in a position to leave the Property at an earlier date if the works have been carried out.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 17th November 2026.

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.

Legal Member/Chair

17th September 2026
Date