



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) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/26/0417

Re: Property at 25 Parcock Place, Oldmeldrum, Inverurie, AB51 0PH (the Property)

Parties:

Mr Adrian Eunson and Mrs Thanawan Eunson, 3 Glebe Park, Oldmeldrum, Inverurie, AB51 0ZX (the Applicants)

D.J. Alexander, The John Cotton Centre, 10 Sunnyside, EH7 5RA (the Applicants' Representative)

Miss Lisa-Jane Stewart, 25 Parcock Place, Oldmeldrum, Inverurie, AB51 0PH (the Respondent)

Tribunal Members:

**Ms. Susanne L. M. Tanner K.C. (Legal Member)
Ms Eileen Shand (Ordinary Member)**

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (the tribunal) is satisfied that Ground 1 in Schedule 3 to the 2016 Act is established by the Applicant, namely that the landlord is entitled to sell the let Property and 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 that it is reasonable to issue an eviction order on account of those facts; and the tribunal made an order for eviction in terms of section 51 of the 2016 Act.

The decision of the tribunal is unanimous.

Reasons

Procedural Background

1. The Applicants' Representative made an application to the tribunal between 19 August 2025 and 3 January 2026 (the Application) in terms of section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The Applicants seek an order for eviction of the Respondent from the Property under Ground 1 of Schedule 3 to the 2016 Act, in summary that a landlord intends to sell the let Property or at least put it up for sale within three months of the tenant ceasing to occupy it.
3. The Applicants' Representative lodged supporting documents with the Application.
4. The tribunal's administration obtained the title sheet for the Property which showed that the Applicants are the joint registered proprietor of the Property.
5. The tribunal confirmed that the Applicants are registered as the landlords of the Property with Landlord Registration Scotland.
6. The Application was accepted for determination by a tribunal. All parties were notified by letters dated 27 July 2026 of the date, time and place of Case Management Discussion (CMD) in relation to the Application on 1 September 2026 at 1400h. The Respondent was invited to make written representations in response to the Application by 17 August 2026. All parties were advised that they were required to attend the CMD. The parties were advised that the tribunal may do anything at a CMD which it may do at a hearing, including making a decision on the application which may involve making or refusing an eviction order. The parties were also advised that if they do not attend the CMD this will not stop a decision or order being made if the tribunal considers that it has sufficient information before it to do so and the procedure has been fair.
7. The Application paperwork and notification was served on the Respondent by Sheriff Officers on 28 July 2026.
8. The Respondent did not lodge any defence to the Application or lodge any written submissions.
9. On 3 August 2026, the Applicants' Representative lodged a statement from the Applicants in relation to their intention to sell the Property within three months of the Respondent ceasing to occupy it.

Case Management Discussion (CMD): 1 September 2026, 1400h, Teleconference

10. The Applicants' Representative Mr Bar attended, with a colleague Mrs Nicolson observing.
11. The Respondent, Ms Stewart, did not attend and did not make any contact with the tribunal.
12. The tribunal proceeded in the absence of the Respondent on the basis of all the information before it and the oral representations of the Applicants' Representative in terms of Rule 29 of the 2017 Rules.

Submissions by Applicants' Representative

13. Mr Bar sought an order for the Respondent's eviction from the Property and relied on the submissions and documents already lodged.
14. He made a request to amend the Applicant's surnames from Euson to Eunson due to a typographical error in the Application. The tribunal allowed the amendment.
15. Mr Bar stated that the Respondent has not paid any rent since January 2026. There are currently £7000.00 of rent arrears including the rent due on 13 August 2026 for the period to 12 September 2026.
16. Mr Bar stated that he spoke to the Respondent on 17 September 2025. At that time a previous Notice to Leave had been served on the basis that the Applicants intended to live in the Property. The Respondent did not vacate the Property at that time and stated that her partner was in the army in Cyprus and that they were waiting for a property in Cyprus which they expected to be available in November 2025. The Respondent stated at that time that they intended to vacate on 29 October 2025 and they asked for an extension of the lease to October 2025. The Respondent did not vacate the Property.
17. Mr Bar stated that he spoke to the Respondent on 15 July 2026. She told him that she was not vacating the Property. She stated that she had another property but did not have a move in date. She would not tell Mr Bar if the property was in the UK or in Cyprus. He stated that her answers were generally evasive and that she attempted to divert the conversation to other matters. Mr Bar stated that he told her that the accounts team would contact her about her arrears. He stated that that was his last call with the Respondent. The accounts team have continued to chase the rent arrears and have had no answer from her.

18. Mr Bar stated that the Property is a four bedroomed detached property. He believes that she lives in the Property with her partner and that there is a grown up daughter who is older than 20 who may visit or may stay there. No consent has been sought for her to be a resident.

19. Mr Bar has not been provided with any information by the Respondent as to whether she is in employment.

20. Mr Bar has not been told by the Respondent that she is refusing to leave the Property because of any health related reasons.

21. The tribunal adjourned to deliberate.

22. The tribunal makes the following findings-in-fact:

22.1. The Applicants are the joint registered proprietor of the Property.

22.2. The Applicants entered into a private residential tenancy with the Respondent for the Property with a start date of 13 December 2019.

22.3. The Respondent lives in the Property with her partner.

22.4. The Respondent does not have any disabilities.

22.5. The Property is a four bedroomed detached property.

22.6. The Property is not adapted for disabilities.

22.7. The Applicants intend to sell the Property or put it up for sale within three months of the Respondent and her family ceasing to occupy it.

22.8. The Applicants relocated to Scotland and wished to live in the area in which the Property is located.

22.9. The Applicants were required to purchase another property located near to the Property due to the Respondent refusing to vacate the Property at the expiry of a previous Notice to Leave.

22.10. The Applicants now require to sell the let Property.

22.11. The Applicants instructed an estate agent to market the Property for sale once there is vacant possession.

22.12. Notice to Leave dated was served on the Respondent under Ground 1 of Schedule 3.

- 22.13. The Notice to Leave expired on 22 January 2026.
- 22.14. The Respondent continues to reside in the Property.
- 22.15. The Respondent has paid no rent since January 2026 and has £7000.00 of rent arrears.
- 22.16. The Applicants' Representative have attempted to contact the Respondent about her rent arrears but she has made no proposals to pay them.

Discussion

23. The Application for an order for eviction was not opposed and the Respondent failed to attend the CMD so it proceeded in absence.
24. The tribunal was satisfied on the basis of the findings in fact that Ground 1 in Schedule 3 of the 2016 Act is established.
25. The tribunal was satisfied that in all the circumstances, that it was reasonable to make an order for eviction.
26. The tribunal therefore made an order for eviction in terms of Section 51 of the 2016 Act.

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.

Susanne Tanner

1 September 2026

**Ms. Susanne L. M. Tanner K.C.
Legal Member/Chair**