



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

Chamber Ref: FTS/HPC/EV/26/1470

Re: Property at Foxlands Cottage, 43a Kenmore Street, Aberfeldy, PH15 2BL (“the Property”)

Parties:

Mrs Kirsty Wallace, Mr Grant Wallace, 9 Meadowhead Place, Inchtute, PH14 9TG (“the Applicants”)

Mr Paul Coombes, Foxlands Cottage, 43a Kenmore Street, Aberfeldy, PH15 2BL (“the Respondent”)

Tribunal Members:

Robert MacDonald (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case. The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the Private Residential Tenancy between the parties will end on 29th October 2026.

Background

1. The Applicants made an application dated 1st April 2026 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“The Rules”). The Applicants relied upon Ground 1 of Schedule 3 of the Act as the ground for eviction, namely that the Applicants intended to sell the property.

2. On 1st May 2026 the application was accepted by the Tribunal and referred for determination by the Tribunal.
3. A Case Management Discussion was scheduled for 29th September 2026. The Tribunal gave notice of the Case Management Discussion to the parties in accordance with Rule 17(2) of the Rules by letter dated 8th August 2026. The Respondent was invited to lodge any submissions with the Tribunal by 29th August 2026.

Case Management Discussion

4. The Case Management Discussion took place on 29th September 2026 at 2.00 PM by teleconference. The Applicants and the Respondent were present at the discussion.
5. At the Case Management Discussion, the Tribunal had documentation before it including: -
 - a. Application form E;
 - b. A copy of the Private Residential Tenancy Agreement between the parties dated 12th December 2024;
 - c. A copy of a Notice to Leave and proof of delivery of the said notice on the Respondents by Sheriff Officer on 8th August 2025;
 - d. A copy Notice in terms of section 11 of the Homelessness etc. (Scotland) Act 2003 and evidence of service on Perth and Kinross Council dated 1st April 2026.
 - e. A letter from Irving Geddes Solicitors dated 30th April 2026 confirming they had instructions to sell the property on vacant possession being confirmed by their client.
 - f. A submission from the Respondent.

Applicants submissions

6. The Tribunal heard submissions from Mrs. Wallace. She advised that her and her husband were both 52 years of age. They had owned the property since 2013. It had initially been rented out as a holiday let before being rented out to previous tenants, and then latterly the Respondent. They did not own any other rental properties. The property was old and was not easy to manage. They felt they could not really afford to carry out all the work on the property that it might need. They had decided to retire from the business of being landlords and wanted to sell the property to allow them to achieve that. They had instructed solicitors to sell the property and intended to do so as soon as they recovered possession.

Respondents Submission

7. Mr. Coombes advised the Tribunal that he had now managed to secure alternative accommodation and intended leaving the property on 10th October. He had signed a new tenancy agreement and paid his deposit and the first month's rent. He had given notice to the Applicants. He did not oppose the application.
8. The Tribunal were satisfied that there was sufficient information available to them to make a decision in this case.

Findings in Fact and Law

9. The Applicants are the owners of the property in terms of land certificate PTH42275.
10. The Applicants are landlords, and the Respondent is the tenant of the property in terms of a Private Residential Tenancy Agreement which commenced on 17th December 2024.
11. The Applicants sent a Notice to Leave as defined by Section 62 of the 2016 Act dated 8th August 2025 to the Respondent by email on that day as provided for in terms of the Private Residential Tenancy Agreement.
12. In terms of the notice, which relied on Ground 1, the Respondent was advised that an application might be submitted to the Tribunal after 3rd November 2026.
13. A notice in terms of Section 11 of the Homelessness etc. (Scotland) Act 2003 was sent on behalf of the Applicant to Perth and Kinross Council on 1st April 2026.
14. An application was made to the Tribunal on 1st April 2026 for recovery of possession of the property.
15. The Applicants have engaged a firm of solicitors to deal with the marketing of the property once they obtain vacant possession.
16. The Applicants intend to sell the property for market value, or at least put it up for sale, within 3 months of the Respondent ceasing to occupy it.

17. The Applicants are entitled to sell the property.
18. The Tribunal was satisfied that the provisions of Paragraph 1 of Schedule 3 of the 2016 Act had been met in this case.
19. Having regard to the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted.
20. There was no information before the Tribunal that led the Tribunal to consider that the Respondent should be given an extended of time before the order could be enforced.

Reasons for Decision

21. The Tribunal noted that there was evidence that the Applicants wished to sell the property and that solicitors had been engaged to market it.
22. The Applicants are the owners of the property and are entitled to sell it.
23. The Tribunal noted that the Respondent had signed a Private Residential Tenancy Agreement for a new property and intended to leave by the 10th of October 2026.
24. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it, which required the Tribunal to identify the factors relevant to issues of reasonableness and to determine how much weight should be applied to them.
25. The Tribunal attached considerable weight to the fact the Respondent did not oppose the order being granted and had obtained alternative accommodation.
26. The decision of the Tribunal was unanimous.

Decision

27. The Tribunal grants an order for possession of the property.

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.

Robert Macdonald

Legal Member/Chair

Date: 29 September 2026