



**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/26/0675

**Re: Property at 45 Stoneyhill Place, Musselburgh, East Lothian, EH21 6TN
("the Property")**

Parties:

Mr Marc Easton, 39 Masons Way, Edinburgh, EH21 8BF ("the Applicant")

**Ms Sian Thornton, 45 Stoneyhill Place, Musselburgh, East Lothian, EH21 6TN
("the Respondent")**

Tribunal Members:

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

Decision (in absence of the Respondent)

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 7th June 2024, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 12th August 2026.
3. By email dated 17th September 2026, the Respondent lodged written representations and productions. These were not circulated to the Tribunal or the Applicant representative until late morning on 23rd September 2026. Within the representations, the Respondent stated that she agreed it was reasonable to grant an order, however, she included evidence of significant health issues and an indication that she had attempted to obtain

representation for the Case Management Discussion. The Respondent included evidence of her attempts to secure alternative accommodation.

The Case Management Discussion

4. A Case Management Discussion ("CMD") took place by telephone conference on 23rd September 2026 at 2pm. The Applicant was not in attendance. Mr Andrew Williamson, Albany Lettings appeared on behalf of the Applicant. The Respondent was not in attendance. The start of the CMD was delayed to allow the Respondent to join the call. The Respondent did not join the call.
5. The Tribunal was concerned that there had been no notification of a change of Applicant representative. Mr Williamson explained that Albany Lettings had taken over the letting company of the previous representative. The Tribunal adjourned to allow Mr Williamson to contact the Applicant for a mandate to authorise him to act. The Applicant then emailed the Tribunal to confirm that Mr Williamson was authorised to act on his behalf.
6. The Tribunal requested that the Tribunal Clerk attempt to contact the Respondent on the number provided in the case papers to ask whether she intended to join the call. The Clerk attempted to call the Respondent, however, the telephone number did not appear to be in use.
7. 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 Respondent.
8. Mr Williamson confirmed that he had been provided with a copy of the Respondent's representations. Mr Williamson explained that the Applicant is seeking an eviction order as he wishes to sell the Property. The Property belonged to the Applicant's father. Mr Williamson was not aware of whether the Applicant has now taken title to the Property in his own name, or whether his title and interest to act as landlord and Applicant is as Executor to his late father.
9. Mr Williamson said this is the only property let by the Applicant. The Applicant does not wish to continue as a landlord, due to the Property having belonged to his late father, and the associated grief of letting the Property in these circumstances.
10. Mr Williamson said there are also rent arrears in the sum of £8920. There have only been two rental payments in the last six months - £250 on 2nd April and £100 on 2nd September 2026. The monthly rent is £925. There have been arrears in the past but these have been addressed. The Applicant is intending to serve a further notice to leave on the basis of rent arrears.

11. Mr Williamson said it was fully appreciated that the Respondent is suffering from health issues, but these have not been communicated to the Applicant. There has been no communication from the Respondent.
12. Responding to the Tribunal as to whether a delay in the execution of an order should be granted if the Tribunal considered it reasonable to grant the order, Mr Williamson said that was at the discretion of the Tribunal.
13. It then came to the attention of the Legal Member that the Respondent had stated in an email seeking advice and representation that the CMD was at 4pm on 23rd September 2026. It was agreed to reconvene at 4pm to allow the Respondent to take part. The Tribunal Clerk emailed the Respondent to inform her that the CMD would be reconvened at that time. The Respondent responded stating that she was unable to join the call for health reasons and that she would accept whatever decision was made based on the evidence before the Tribunal.

Findings in Fact and Law

14.
 - (i) Parties entered into a private residential tenancy agreement which commenced on 7th June 2024 at a monthly rent of £875.
 - (ii) The Applicant has served a Notice to Leave upon the Respondent.
 - (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 Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

15. 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.
16. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.

17. The Applicant no longer wishes to be a landlord as he wishes to move on from the grief of his late father's passing, given that the Property was his late father's home.
18. The Respondent has disclosed significant health issues which are causing difficulties. The Respondent has disclosed stress as a result of the current situation in relation to the Property. The Tribunal took into account that the granting of an eviction order may exacerbate the physical and mental difficulties experienced by the Respondent.
19. The Tribunal considered whether to continue matters to another CMD or to a hearing on reasonableness to allow the Respondent to continue to attempt to gain representation or to appear on her own behalf. However, the Tribunal took into account that the Respondent had not indicated that she was seeking a hearing on reasonableness or any kind of continuation. Indeed, the Respondent had stated in her written representations that she believed it would be reasonable to grant an order, and that she would ask for an extended period to allow for ease of finding alternative accommodation and moving out. The Respondent also stated within her email on the day of the CMD that she would accept a decision based on the evidence before the Tribunal. The Tribunal considered it unfortunate, but understandable, that the Respondent was not in a position to join the call to address the Tribunal further on reasonableness and the impact of an eviction order upon her, given her health issues. The Tribunal considered it may not be in the interests of either party to continue matters for further procedure, given the considerable delays in the timetabling of Tribunal hearings.
20. The Tribunal noted that the Respondent had lodged evidence of considerable efforts made to obtain private rented accommodation without success. The Tribunal took into account that the local authority will have a duty to assist the Respondent if she is deemed homeless by the granting of an eviction order. The Tribunal considered that the tenancy may no longer be sustainable given the lack of communication and engagement from the Respondent, and the reported rent arrears.
21. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought. The Tribunal considered it was reasonable to delay execution of the eviction order for a period of an additional month beyond the usual 30 day period, particularly given the health limitations of the Respondent, and her need to obtain alternative accommodation.

Decision

22. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 23rd 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.

Ms H Forbes

Legal Member/Chair

23rd September 2026
Date