

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

Chamber Ref: FTS/HPC/EV/26/0370

Re: Property at 18 Greenlaw Place, Carnoustie, DD7 7NG (“the Property”)

Parties:

Mrs Carol Elizabeth Venables, 1A Knowes Loan, Barry, DD7 7RF (“the Applicant”)

Mrs Davina Japp Braithwaite, 18 Greenlaw Place, Carnoustie, DD7 7NG (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

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

Background

1. On 23rd January 2026 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.
2. Lodged with the application were: -
 - a. Private Residential Tenancy Agreement commencing 1st January 2023;
 - b. Copy Notice to Leave dated 27th October 2025;
 - c. Email dated 27th October 2025 serving the Notice to Leave;
 - d. Section 11 Notice and proof of service;
 - e. Quote from Thorntons in relation to estate agency and conveyancing.

3. The Application was served on the Respondent by Sheriff Officers on 5th August 2026.
4. On 14th September 2026 the Tribunal received an email from a representative appointed by the Respondent, Ms McMartin, with a written Submission and medical information. The submission explained that the Respondent is 83 and suffered from poor health. She has been hospitalised on several occasions recently. She is actively seeking local authority accommodation and accepts that the order will be granted but is seeking more time.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place by teleconference on 15th September 2026. The Applicant was represented by Mr Smith of Sutherland Management. The Respondent attended and was represented by her friend, Ms McMartin, and Ms Barr, Support Worker with Angus Council.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Mr Smith sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016. He explained the health and family reasons as to why the Applicant needs to sell the property. He emphasised that the Respondent has been a very good tenant throughout. He confirmed that the Applicant intended to sell the property or at least market it for sale within three months of the Respondent leaving. He confirmed that the Applicant had one other rental property, but it is now sold.
8. Ms McMartin confirmed that the Respondent did not oppose the order being granted, but she was not in a position to move out immediately. She explained that the Respondent is currently having to bid weekly for local authority properties, and while she is currently top of the list for two separate properties there is still no guarantee that she will get either. She requires ground floor accommodation which is accessible for her needs and such properties do not come up often. She may need to take unsuitable homeless accommodation if that is what is available. Ms Barr thought that having an eviction order may assist, as it would establish that the Respondent was not intentionally homeless, but was not sure if it would secure either of the current bid properties.

Findings in Fact

- i. The parties entered in to Private Residential Tenancy commencing 1st January 2023 and with an initial rent of £600 per month;
- ii. A Notice To Leave, dated 27th October 2025, was served timeously and correctly;
- iii. A section 11 notice was served on the local authority;

- iv. The Application was served on the Respondent by Sheriff Officer on 5th August 2026;
- v. The Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it;
- vi. The Applicant wishes to sell the property due to family circumstances including health and financial;
- vii. The Respondent is 83 and has ongoing health issues;
- viii. The respondent is not opposed to the order being granted but seeks additional time to vacate.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act states as follows:

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.

10. The Tribunal is satisfied that the procedural requirements required to establish the ground have been met.
11. The Tribunal is also satisfied that that it is reasonable to grant the order as it is not opposed by the Respondent.

12. Further, the Tribunal is satisfied that it is reasonable to extend the time before the Order can be implemented. The Tribunal appreciates the Applicant's position and that the Notice to Leave was served nearly a year ago but has balanced that with the Respondent's age and state of health, and the difficulties she has been experiencing in finding suitable accommodation. The Tribunal is satisfied that it is reasonable to extend the time before the Order can be implemented to 4 December 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.

A Kelly

Legal Member/Chair

15th September 2026

Date