Housing and Property Chamber
First-tier Tribunal for Scotland

Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 52 of the Private Housing (Tenancies)(Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/25/3717

Re: Property at Glenmorris, 13 Main Street, Kilconquhar, Fife, KY9 1LF ("the Property")

Parties: Mr Christopher Powell, 61A Kurahaupo Street, Orakei, Auckland, 1072, New Zealand ("the Applicant")

Mrs Fay Gooding, Miss Stella Gooding, Glenmorris, 13 Main Street, Kilconquhar, Fife, KY9 1LF ("the Respondent")

Tribunal Members:
Lesley Ward (Legal Member) and Sara Hesp (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the tribunal") determined that the Respondent shall be evicted from the property on the basis of ground 1 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord wishes to sell), and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 51 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The Applicant attended, initially by video call. Neither Respondent joined the video call and tribunal waited until 10.20 am to start. After some initial discussion with the Applicant it emerged that the first named Respondent had dialled in on the telephone line and was wating for the hearing to proceed by teleconference. The hearing reverted to the telephone with both the Applicant and first Respondent participating.

3. The tribunal had before it the following copy documents:

(1) Private Residential Tenancy Agreement dated 2 July 2024.
(2) Notice to leave dated 3 and 4 June 2025.
(3) Proof of service of the notice to leave.
(4) Section 11 notice and proof of service.
(5) Land certificate.
(6) Evidence of landlord registration.
(7) Letter from Thorntons Solicitors regarding marketing the property dated 26 May 2025 together with further correspondence from them dated 17 February 2026.
(8) Respondents' submissions dated 8 February 2026 to 16 March 2026.
(9) Applicant's response dated 10 February 2026.

Case management discussion

5. The Applicant wants to sell the let property as soon as possible. His mother has been acting as his agent to manage the property and she no longer wants to have this responsibility. The Applicant also wants to realise his asset for tax purposes as he the mortgage rate is not favourable because he lives overseas. It is not practical to sell the other let property that he has because the tenant is a quadroplegic and it has been adapted for his use.

6. The Respondents were opposed to the eviction application and they had reservations about whether the Applicant actually intends to sell it. If there was a delay in the enforcement of the order until the end of June 2026 the Respondents would be prepared to withdraw their objection and agree to the eviction in the circumstances as the additional time would enable them to find an alternative property.

7. Findings in fact

- The Applicant is the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 2 July 2024.
- The Respondents are mother and daughter.
- The first Respondent's husband and three adult sons have also lived in the property since July 2024.
- A valid notice to leave was served on the Respondents on 3 and 5 June 2025.
- The Applicant intends to sell the let property within 3 months of the Respondents ceasing to occupy it and he has engaged solicitors for this purpose.
- The Respondents are not opposed to the eviction application on the basis that the order will not be enforced until after 30 June 2026.

Reasons

7. This was an undefended eviction application. The Tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The Applicant gave oral evidence to the tribunal about his wish to sell the property and the reasons for the sale. He has also provided written evidence of his intention to sell. The Respondents are no longer opposed to the eviction because the Applicant has agreed to a two and a half month postponement of the enforcement of the order to enable them to obtain a new tenancy. The tribunal was therefore satisfied it was reasonable in all of the circumstances to grant the eviction order. The tribunal has also made an order postponing enforcement of the eviction until after 30 June 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.

Lesley Ward **19 March 2026**

Legal Member **Date**