



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/25/2707

Re: Property at 1 Hillview Gardens, Nivensknowe Park, Loanhead, Midlothian, EH20 9PT (“the Property”)

Parties:

PD Leisure Ltd, Administration Block, Nivensknowe Park, Loanhead, EH20 9PF (“the Applicant”)

Mrs Lorato Tamukathe, 1 Hillview Gardens, Nivensknowe Park, Loanhead, Midlothian, EH20 9PT (“the Respondent”)

Tribunal Members:

Nairn Young (Legal Member) and Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

- Background

This is an application for an eviction order against the Respondent, who occupies the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 2pm on 7 January 2026, by teleconference. The Applicant was represented on the call by Ms Debbie Ritchie. The Respondent was on the call in-person.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondent in terms of a private residential tenancy agreement with a start date of 1 February 2024.
2. On 21 March 2025, the Applicant sent a notice to leave to the Respondent, stating that it would rely on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
3. The Applicant is the owner of the Property.
4. The Applicant intends to sell the Property for market value, or at least put it up for sale, as soon as the Respondent ceases to occupy it.
5. The Respondent has been in touch with the local authority which has indicated she will not be rehoused until an eviction order is granted.

- Reasons for Decision

6. Ground 1 is established here and, in particular, it is reasonable for the order to be granted. Both parties are in agreement that the Applicant should be allowed to sell and the Respondent is waiting for the order to be granted in order to be able to access support from the local authority.

- Decision

Eviction order granted.

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.

Nairn Young

Legal Member/Chair

7 January 2026

Date