



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

Chamber Ref: FTS/HPC/EV/25/2387

Property at 18 Sighthill Road, Edinburgh, EH11 4PD (“the Property”)

Parties:

Ms Sheila McKay, 28 Newbattle Terrace, Edinburgh, EH10 4RT (“the Applicant”)

Mr William Greig, 18 Sighthill Road, Edinburgh, EH11 4PD (“the Respondent”)

Tribunal Members:

Josephine Bonnar (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant seeks an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, evidence of the intention to sell and a section 11 notice were lodged with the application.
2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion (“CMD”) would take place by telephone conference call on 10 March 2026 at 2pm and they were required to participate.
3. The CMD took place on 10 March 2026. Both parties participated.

Summary of Discussion at CMD

4. Mr Greig told the Tribunal that the application is not opposed. He said that he needs a date to work towards in terms of moving out of the property. He

explained that he has not been able to work for a year and a half and has had no income, except benefits. His son stays with him three nights a week. He has not been able to pay the rent from the housing element of the benefits he receives because he has other bills. He hopes to be in a position to repay some of the arrears at some point as he has made a claim following an injury at work. His parents have offered him accommodation for himself and his son, but he needs time to get organised and for them to get their house organised. Ideally, he would like 2 or 3 months to vacate the property.

5. Ms McKay told the Tribunal that she purchased the property in 2014 as part of her pension planning. She decided to let it out, but it was never intended to be rented out in the long term. She decided to sell it in 2024, and the plan was to sell it with the tenant in occupation so that he did not lose his home. She received an offer, but it was withdrawn as the purchaser's lender could not get access for the survey. She then decided to recover possession before selling it with vacant possession. Ms McKay said that she has one other rental property. She is not planning to sell it at the moment as it is the former family home, and she has an emotional attachment to it. She does not have a mortgage over the property but has maintenance costs which she has to pay despite the lack of rental income. Ms McKay said that she would be opposed to the Respondent having additional time in the property. He has had over a year to find somewhere else to live and is not paying rent.
6. Mr Greig told the Tribunal that he had not allowed access to the surveyor because the purchaser told him that they intended to move into the property, although he had been told it would be sold to another landlord. He said that he approached the Local Authority but was told that he could not bid for properties due to the housing crisis. He is going to stay at his parents' house as they have offered him a home. However, he has an appointment with Universal Credit and will go and see the Council about his housing situation at the same time.

Findings in Fact

7. The Applicant is the owner and landlord of the property.
8. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.
9. The Applicant intends to sell the property to help fund her retirement.
10. The Respondent has incurred arrears of rent of £12,535. No payments have been made to the rent account since February 2025.
11. The Respondent resides at the property alone for half of each week. His nine-year-old son resides with him for the other half of the week.
12. The Respondent has been offered alternative accommodation by his parents.
13. The Applicant served a Notice to leave on the Respondent on 20 April 2025.

Reasons for Decision

14. The application was submitted with a Notice to Leave dated 30 April 2025 together with a copy email to the Respondent which establishes that the Notice was sent to the Respondent on that date. The Notices states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
15. Section 51(1) of the 2016 Act states, “The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”
16. Ground 1 of schedule 3 (as amended) states, “(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.”
17. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. This was not disputed by the Respondent. Part 1 of Ground 1 is therefore established.
18. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -
 - (a) The Applicant made a previous attempt to sell the property with the Respondent remaining in occupation as the tenant. The sale fell through because the Respondent failed to provide access to the surveyor. This appears to be the result of a misunderstanding.
 - (b) The Applicant wants to sell the property to help fund her retirement.
 - (c) The Respondent has been in rent arrears for over 12 months. He has paid no rent during that time, although it appears that he has been in receipt of the housing component of universal credit. The rent arrears are over £12000, and the Applicant has continued to pay maintenance costs of the property during this period.
 - (d) The Respondent has alternative accommodation arranged for himself and his son.

19. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act that ground 1 has been established. For the reasons outlined in paragraph 18, the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

20. The Tribunal proceeded to consider whether to order a delay in execution of the order in terms of Rule 16A(d) of the Procedure Rules 2017. This is opposed by the Applicant. The Tribunal noted that the Respondent was served with the Notice to leave in April 2025 and has been aware that the Applicant planned to sell the property since 2024. He is not moving to other rented accommodation but is going to stay with family. He has also paid no rent for 12 months. In the circumstances, the Tribunal is satisfied that it would not be appropriate to delay execution of the eviction order.

Decision

21. The Tribunal determines that an eviction order should be granted against the Respondent.

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.

Josephine Bonnar, Legal Member

11 March 2026