



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 (“the 2016 Act”)

Chamber Ref: FTS/HPC/EV/25/5145 and FTS/HPC/EV/26/2100

Re: Property at The Tower, Flat 1, Finavon Castle, Forfar, DD8 3PX (“the Property”)

Parties:

Mr Mandeep Khalsa, Mrs Harkirat Khalsa, Apartment 212 Al Wasl Building, Sheikh Zayed Road, Dubai Mall, Dubai, United Arab Emirates (“the Applicant”)

Mr Jamie Strachan, The Tower, Flat 1, Finavon Castle, Forfar, DD8 3PX (“the Respondent”)

Tribunal Members:

Ruth O'Hare (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of grounds 1 and 12 are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act.

In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 11 July 2026.

Background

- 1 On 28 November 2025 the Applicants applied to the Tribunal for an eviction order under rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 (“the Rules”) and section 51 of the 2016 Act. The Applicants relied upon ground 1 of schedule 3 of the 2016 Act as the eviction ground, stating their intention to sell the property.
- 2 On 12 May 2026 the Applicants submitted a second application to the Tribunal for an eviction order under rule 109 of the Rules and section 51 of the 2016 Act.

The Applicants relied upon ground 12 of schedule 3 of the 2016 Act, stating that the Respondent was in rent arrears over three or more consecutive months.

- 3 The applications were accepted as valid and conjoined as they related to the same parties and the same tenancy. The applications were referred to a tribunal for determination, and a case management discussion ("CMD") was scheduled to take place on 10 June 2026 at 10am. The Tribunal gave notice of the CMD to the parties in accordance with Rule 17(2) of the Rules. Said notice was served upon the Respondent by sheriff officers on 6 and 14 May 2026 and invited him to make written representations in response to the applications.
- 4 No written representations were received from the Respondent.
- 5 On 11 and 27 May 2026 the Tribunal received further written representations from the Applicant's representative, Angus Glen Properties.

The CMD

- 6 The CMD took place on 10 June 2026 by teleconference. Ms McIntosh of Angus Glen Properties represented the Applicants. The Respondent also joined the call.
- 7 The tribunal had the following documents before it:-
 - (i) Form E application dated 27 November 2025 and supporting documents including private residential tenancy agreement between the parties, emails from Shepherd Chartered Surveyors, notice to leave and proof of delivery to the Respondent by email, notice under section 11 notice of the Homelessness etc (Scotland) Act 2003 ("section 11 notice") and proof of delivery to the local authority, and written mandate from the Applicants authorising Angus Glen Properties to represent them.
 - (ii) The Applicants' written representations dated 15 January 2026 including employment documentation and correspondence from Angus Glen Properties to the Respondent.
 - (iii) The Applicants' written representations dated 20 January 2026 including bank statements.
 - (iv) The Applicants' written representations dated 4 February 2026 including employment documentation, emails regarding the sale of the property and home report.
 - (v) Form E application form dated 8 May 2026 and supporting documents including private residential tenancy agreement, notice to leave and proof of delivery to the Respondent by email, section 11 notice and proof of delivery to the local authority, rent statement, correspondence between Angus Glen Properties and the Respondent, and written

mandate from the Applicants authorising Angus Glen Properties to represent them.

- (vi) The Applicants' written representations dated 11 May 2026 including text messages from Angus Glen Properties to the Respondent.
 - (vii) The Applicants' written representations dated 27 May 2026 including an updated rent statement.
 - (viii) Title deeds confirming the Applicants' ownership of the property and proof of landlord registration
- 8 The tribunal explained the purpose of the CMD and proceeded to hear submissions from the parties. The following is a summary of the key elements of the submissions.
- 9 Regarding ground 1, the landlord's intention to sell, Ms McIntosh explained that the Applicants had originally intended to rent the property for some time. The first named Applicant had lost his job in June 2025, and the rental income was to support the Applicants and their family during that time whilst they decided whether to return to Scotland from Dubai. Ms McIntosh explained that the property is one of two flats in a castle. The Applicants' neighbour had approached them with a view to purchasing the property. The Applicants had decided that selling was in their best interest. The conflict in the Middle East had exacerbated things. The Applicants had been unable to secure employment in Dubai and require to return home whilst the sale goes through. The neighbour will only purchase the property with vacant possession. Ms McIntosh was aware of one other rental property owned by the Applicants in Aberdeen but the let property in this case was bigger.
- 10 The Respondent explained that he wanted to leave the property, however he had been told by Angus Council that if he were to do so it would jeopardize his application for rehousing. He did not oppose an eviction order. He resides at the property with his dog.
- 11 Regarding ground 12, rent arrears, Ms McIntosh confirmed that no payments had been made to the rent account since August 2025. She has tried to engage with the Respondent and had offered to accompany him to the job centre to sort out his universal credit which he did not accept. The Respondent had stated that he had lost money in a business deal. Ms McIntosh has regularly requested updates from the Respondent and has made repeated offers to assist him but has hit a brick wall. Ms McIntosh believes the Respondent may have been operating a business from the property.
- 12 The Respondent explained that he was in a head on collision in 2017 and has been unable to work since then because of his injuries. He previously resided in England where his benefits covered his rent of £2000 per month. He believed that would be the case with this tenancy however the council had said they would not pay the rent. The Respondent had moved back to Scotland to be

closer to his father. He currently receives universal credit but not the housing element, along with adult disability payments.

- 13 The tribunal adjourned the CMD to deliberate, at which point parties left the call, before resuming the proceedings and confirming the outcome.

Findings in fact and law

- 14 The Applicants are the owners and landlords, and the Respondent is the tenant, of the property in terms of a private residential tenancy agreement.
- 15 The Applicants have given the Respondent notices to leave within the meaning of section 62 of the 2016 Act which include grounds 1 and 12 of schedule 3 of the 2016 Act. The notices were sent to the Respondent by email. The Respondent consented to the delivery of notices by email under the terms of the said tenancy agreement.
- 16 The Applicants have given the local authority a section 11 notice at the time of making these applications.
- 17 The rent due under the tenancy agreement is £2,277.43 per month.
- 18 The Respondent has failed to pay rent as agreed. The Respondent has been in rent arrears for three or more consecutive months. The Respondent has failed to pay rent since 18 August 2025. As at the date of this decision rent arrears in the sum of £21,719.30 are outstanding.
- 19 The rent arrears are not known to be due to any failure or delay in the payment of a relevant benefit.
- 20 The Applicants' letting agent, Angus Glen Properties, has contacted the Respondent with information regarding the rent and the rent arrears, has offered to enter into payment plans, and has offered to assist him with his benefits.
- 21 The Applicants have a mortgage over the property. The rent arrears have caused the Applicants financial difficulties. The first named Applicant lost his job in June 2025. The Applicants currently reside in Dubai but have been unable to secure employment and require to return home.
- 22 The Applicants are entitled to sell the property. The Applicants have received an approach from a neighbour who wishes to purchase the property. The neighbour will only do so with vacant possession.
- 23 The Applicants intend to sell the property, or market the property for sale, within three months of the Respondent vacating the property.
- 24 The Respondent is the sole occupant of the property. The Respondent is unemployed. The Respondent is unable to work because of injuries he suffered

in a car accident. The Respondent is in receipt of universal credit and adult disability payments.

25 The Respondent has approached the local authority for rehousing.

26 The Respondent does not oppose the eviction order.

27 It is reasonable to make an eviction order.

Reasons for decision

28 The tribunal was satisfied that it could make relevant findings in fact to reach a decision on the applications based on the documentary evidence and submissions from the parties at the CMD, and that to do so would not be contrary to the interests of the parties in this case. The Respondent had not sought to oppose the applications and as such there was no contradictory evidence before the tribunal.

29 Section 51 of the 2016 Act provides that *“The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies.”*

30 Section 52 of the 2016 Act goes on to state that *“an application for an eviction order against a tenant must be accompanied by a copy of a notice to leave which has been given to the tenant.”* The tribunal had before it copies of two notices to leave in the prescribed form that had been given to the Respondent which cite grounds 1 and 12 of schedule 3 of the 2016 Act. The tribunal was also satisfied that the Applicants had sent a section 11 notice to the local authority in accordance with the requirements of section 56 of the 2016 Act.

31 The tribunal considered the terms of ground 1, which are contained in paragraph 1 of schedule 3 of the 2016 Act:-

“Landlord intends to sell

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.”

- 32 The tribunal determined based on the documents before it and the submissions from the parties at the CMD that the Applicants are entitled to sell the property as the registered owners and intend to do so within three months of the Respondent vacating. There was no contradictory evidence before the tribunal.
- 33 The tribunal therefore determined that paragraph 1(2)(a) and (b) of schedule 3 of the 2016 Act were met.
- 34 The tribunal considered the wording of paragraph 12 of schedule 3 of the 2016 Act:-

“Rent arrears

12 (1) It is an eviction ground that the tenant has been in rent arrears for three or more consecutive months.

(2)

(3) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) for three or more consecutive months the tenant has been in arrears of rent, and

(b) the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order.

(4) In deciding under sub-paragraph (3) whether it is reasonable to issue an eviction order, the Tribunal is to consider—

(a) whether the tenant's being in arrears of rent over the period in question is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit, and

(b) the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations.

(5) For the purposes of this paragraph—

(a) references to a relevant benefit are to—

(i) a rent allowance or rent rebate under the Housing Benefit (General) Regulations 1987 (S.I. 1987/1971),

(ii) a payment on account awarded under regulation 91 of those Regulations,

(iii) universal credit, where the payment in question included (or ought to have included) an amount under section 11 of the Welfare Reform Act 2012 in respect of rent,

(iv) sums payable by virtue of section 73 of the Education (Scotland) Act 1980,

(b) references to delay or failure in the payment of a relevant benefit do not include any delay or failure so far as it is referable to an act or omission of the tenant.

(6) Regulations under sub-paragraph (4)(b) may make provision about—

(a) information which should be provided by a landlord to a tenant (including information about the terms of the tenancy, rent arrears and any other outstanding financial obligation under the tenancy),

*(b) steps which should be taken by a landlord with a view to seeking to agree arrangements with a tenant for payment of future rent, rent arrears and any other outstanding financial obligation under the tenancy,
(c) such other matters as the Scottish Ministers consider appropriate.”*

- 35 The tribunal accepted the documentary evidence and submissions from the Applicant regarding the rental history of the tenancy. The Respondent did not dispute this. The tribunal therefore determined that the rent account had been in arrears for three or more consecutive months based on the rent statement produced.
- 36 The tribunal went on to consider whether it was reasonable to make an eviction order on account of grounds 1 and 12, which requires the tribunal to identify those factors relevant to reasonableness and determine what weight should be applied to them.
- 37 The tribunal considered the Applicants' property rights as the heritable owners, and their reasons for selling the property. The tribunal gave significant weight to their current circumstances as reflected in the tribunal's findings in fact.
- 38 The tribunal also gave great weight to both the level of arrears and the length of time they have been outstanding. It is a significant balance and the tribunal accepted that it would have caused the Applicants financial difficulties, particularly as the Applicants have a mortgage over the property. There was no evidence before the tribunal to suggest that the arrears were due in any part to a failure or delay in the payment of a relevant benefit. The tribunal was further satisfied based on the correspondence produced that the Applicants have generally complied with the rent-arrears pre-action protocol.
- 39 The tribunal carefully considered the Respondent's circumstances. The tribunal took into account his health issues which have left him unable to work. It was clear from his submissions that the tenancy is simply no longer sustainable given his financial position. The tribunal noted his intention to leave the property which had been hampered by the local authority's position on his application for rehousing. The tribunal considered that the making of the order would ultimately benefit both parties, and particularly the Respondent by allowing his application for rehousing to progress. The tribunal was aware from its own knowledge that the local authority would be unlikely to take action in the absence of the order.
- 40 Accordingly, having considered those factors relevant to reasonableness, the tribunal concluded that the balance weighed in favour of making an eviction order.
- 41 The tribunal therefore concluded that the provisions of paragraphs 1 and 12 of schedule 3 of the 2016 Act have been met in this case and determined to make an eviction order.
- 42 The decision of the tribunal was unanimous.

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.

Ruth O'Hare

10 June 2026

Legal Member/Chair

Date