



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/1936

Re: Property at 2 Winside Buildings, Charlotte Street, Stanley, PH1 4NB (“the Property”)

Parties:

Mr William Reid, The Oaks, Kinclaven, Stanley, Perthshire, PH1 4QJ (“the Applicant”)

Ms Jane Fitzpatrick, 2 Winside Buildings, Charlotte Street, Stanley, PH1 4NB (“the Respondent”)

Tribunal Members:

Mary-Claire Kelly (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction.

Background

1. By application dated 5 May 2025 the applicant seeks an order for eviction relying on ground 1 – landlord intends to sell in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The applicant submitted the following documents with the application:
 - Copy tenancy agreement
 - Notice to leave with proof of delivery
 - Estate agency letter of instruction
 - Section 11 notice

- Copy Bank Statements
3. A case management discussion took place via teleconference on 14 January 2026. The applicant and Helen Reid, the joint owner attended with their solicitor, Mr Ferrie, McCash & Hunter LLP. The respondent attended on her own behalf. The respondent opposed the application. She did not dispute that the applicant had a genuine intention to sell the property. However she stated that she had no alternative accommodation and had been unable to find affordable accommodation in the local area. She stated that she had sought assistance from the local authority and had been offered a property however she stated that it was not in an area she wanted to live in.
 4. The Tribunal fixed an evidential hearing to consider the reasonableness of granting an order. A Direction was issued to parties requiring the applicant to submit further information relating to their financial circumstances. The respondent was required to submit evidence of her household income and documentary evidence of her efforts to secure alternative accommodation.
 5. The applicant complied with the Direction and submitted details of the 2 rental properties owned by them, their secured loans and other financial commitments. The respondent failed to comply with the Direction and submitted no additional information in advance of the hearing.

Hearing – 24 June 2026 – teleconference

6. The applicant was in attendance with Helen Reid and his solicitor, Mr Ferrie. The respondent was not present or represented. The Tribunal was satisfied that the respondent had been properly notified of the hearing in terms of rule 24(1) and proceeded in her absence in terms of rule 29.
7. Mr Ferrie referred to the detailed written submissions that had been lodged in compliance with the Direction. He stated that the applicant intended to market the property for sale within 3 months in the event that an order was granted. The applicant confirmed that there had been no contact from the respondent

since the case management discussion. As far as the applicant was aware the respondent continued to reside in the property. Mr Ferrie sought an order for eviction.

Findings in fact

8. Parties entered into a private residential tenancy agreement which commenced in May 2019.
9. The applicant is the joint owner of the property with Helen Reid.
10. A valid notice to leave dated 17 September 2024 was served on the respondent.
11. The applicant intends to sell the property.
12. The applicant and Helen Reid are 74 years old.
13. The applicant intends to sell the property as part of financial planning to repay the outstanding mortgage and other unsecured debts.
14. The respondent is on the local authority waiting list for housing.
15. The respondent was previously offered a local authority property which she turned down.
16. The respondent resides alone in the property.
17. The respondent failed to comply with the Direction issued by the Tribunal dated 14 January 2026.
18. The respondent did not attend the hearing to oppose an order being granted.

Reasons for decision

19. Ground 1 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.

(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.

20. The Tribunal accepted the evidence that the applicant intended to sell the property. This had not been disputed by the respondent at the case management discussion.

21. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. The Tribunal took into account the application, documents submitted on behalf of the applicant and the oral submissions at the case management discussion and hearing. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against.

22. The Tribunal gave significant weight to the applicant's personal circumstances and reasons for selling the property. The applicant is 74 and has a fixed income from employment. The applicant intends to sell the property as part of their broader financial planning and in order to repay other debts for which they have significant monthly repayments.

23. The Tribunal took into account that the respondent had been served with a notice to leave on 17 September 2024. She had an extended period within which to secure alternative accommodation. The Tribunal gave significant weight to the fact that the respondent had resided in the property since 2019 and had stated at the case management discussion that she had no alternative accommodation. Against that the Tribunal took into account that the respondent had been offered accommodation from the local authority which she had not accepted.

24. The Tribunal gave significant weight to the fact that the respondent had not provided any documentary evidence to support her submissions at the case management discussion and had failed to attend the hearing. This cast a doubt on the credibility of the respondent's submissions. The Tribunal gave limited weight to the submissions as a result.

25. Taking the foregoing matters into account, particularly the ongoing financial pressures on the applicant, the Tribunal determined that on balance it was reasonable to grant an order.

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.

Mary-Claire Kelly

Legal Member/Chair

Date: 24 June 2026

