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 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/26/1473

Re: Property at The Manse, Kirkton of Maryculter, Aberdeen, AB12 5FS ("the Property")

Parties:

The Church of Scotland General Trustees, 121 George Street, Edinburgh, EH2 4YR ("the Applicant")

Ms Lisa Mundle, The Manse, Kirkton of Maryculter, Aberdeen, AB12 5FS ("the Respondent")

Tribunal Members:

Serena Weir (Legal Member) and Tony Cain (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 such order not to be enforced before 12noon on 30 June 2027.

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

Background

1. The Applicant seeks an eviction order in terms of Section 51 and ground 1 of schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 ("**the 2016 Act**"). A copy of the tenancy agreement, Notice to Leave and proof of delivery, Section 11 Notice and paperwork regarding the reasons for the decision to sell the Property, were lodged with the application.
2. A copy of the application was served on the Respondent, and the parties were notified that a Case Management Discussion ("**CMD**") would take place by telephone conference call on 12 November 2026 at 10am.
3. The CMD took place on 12 November 2026. The Applicant was represented by Hannah Peebles. The Respondent appeared personally.

Summary of Discussion

4. The basis of the application was that the Maryculter Trinity Church was placed into guardianship with effect from 31 December 2025. As a result, the Church no longer had the right to call a minister and so did not need to retain the Property. As a result, the Applicant had determined that the Property was to be sold.
5. In written submissions sent to the Tribunal in advance of the CMD, the Respondent explained that she did not oppose the application but simply sought more time to find suitable alternative accommodation for her and her three children.
6. In advance of the CMD, the Tribunal wrote to the Respondent to ask whether any of the Respondent's children wished to express a view on or be involved in the present application. The Respondent provided submissions on behalf of the children and confirmed that they did not wish to be involved in the application.
7. At the CMD, the Respondent confirmed that her children were aged 19, 15 and 11. In her written submissions, the Respondent explained that her two school aged children were at a critical point in their education. One child had examinations which would take place before the end of the current school year. Both children were in receipt of additional support at their current schools. The Respondent wished to ensure that their education was not adversely impacted as a result of having to move from the Property.
8. In her submission, the Respondent explained that she had made over 30 applications to the council, social housing providers and the private rented sector since January 2026 but had not yet been successful in any. The Respondent explained that she required a three of four bedroomed property. At the CMD, the Respondent explained that three such properties had been advertised by Aberdeen Council in the last year and the same by Aberdeenshire Council. She had applied for each of those and had not been successful.
9. In those submissions, the Respondent also provided details of her current state of health.
10. The Respondent explained in her submissions that as a result of her heath, she was not presently working. She was entirely reliant on Universal Credit. The Respondent explained that the financial cap imposed on housing benefit has impacted her ability to be approved for properties of a suitable size in the private rented sector.
11. In advance of the CMD, a discussion had taken place between the parties in terms of which the Applicant had agreed that if the Tribunal were minded to make an eviction order, it would ask that enforcement be delayed until 30 January 2027. At the CMD, Ms Peebles on behalf of the Applicant was asked whether the Applicant would have any difficulty in that deadline being further extended. Ms Peebles confirmed that provided the extension was not made to a point very far in the future, she did not consider that the Applicant would have a difficulty with that.

Findings in Fact

12. The Applicant is the owner and landlord of the Property.
13. The Applicant intends to sell the Property as a result of the Maryculter Trinity Church being placed into guardianship with effect from 31 December 2025. The Church no longer has a requirement for the Property and so it has determined to sell it.
14. The Respondent is the tenant of the Property.

15. The Respondent lives at the Property with her three children aged 19, 15 and 11.
16. The 15 year old child is due to sit examinations before the end of the current school year.
17. Submissions were made in writing in advance of the CMD by the Respondent on behalf of her children in relation to the application. The Respondent's children do not wish to be further involved in the present application.
18. The Respondent is not presently in employment as a result of her health. The Respondent's sole source of income is Universal Credit.
19. The Respondent requires a three or four bedroomed property. Properties of this nature being available by council or social housing providers are in short supply.
20. Since January 2026, the Respondent had made over 30 applications to the council, social housing providers and the private rented sector but had not yet been successful in any.
21. Since January 2026, only six four bedroomed properties had been advertised by either Aberdeen or Aberdeenshire Council. The Respondent had applied for each of those and had not been successful.
22. A Notice to Leave in proper form and giving the requisite period of notice was served on the Respondents.
23. The date specified in the Notice to Leave as the earliest date an eviction application could be lodged with the Tribunal was specified as 14 March 2026.
24. The Tribunal Application was submitted on 01 April 2026.
25. The Respondent does not oppose the application.
26. The Respondent is looking for more time to find alternative permanent accommodation to avoid the need for her and her children to move into temporary accommodation.

Reasons for Decision

14. The application was submitted with a Notice to Leave dated 17 December 2026 together with proof of delivery. The Notice to Leave states that an application to the Tribunal is to be made on ground 1: the landlord intends to sell the Property. The Notice to Leave states that the earliest date that an application can be made to the Tribunal is 14 March 2026.
15. 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 copy of the Section 11 Notice which was sent to the Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.
16. 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."

17. Ground 1 of schedule 3 of the 2016 Act (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."*

18. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the Property and that part 1 of ground 1 is established.
19. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following.
20. The Respondent does not oppose the application. The Respondent explained that she simply needed more time to find alternative permanent accommodation.
21. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. As to reasonableness, the Tribunal considered the background to the application, the supporting documentation lodged by the Applicant and the oral submissions on behalf of the Applicant and the oral and written submissions on behalf of the Respondent at the CMD, specifically that the request for a possession order was not opposed. Accordingly, the Tribunal was satisfied that it was reasonable in all of the circumstances to grant the eviction order.
22. In relation to the request for more time, parties had agreed delaying enforcement of the order until 30 January 2027. However, in light of what the Respondent had explained about the scarcity of suitable accommodation and the number of applications which she had made since January 2026, the Tribunal did not consider a delay until 30 January 2027 would afford the Respondent sufficient time to find suitable permanent accommodation. Two of the Respondent's children were in school. One was due to sit examinations before the end of the school year. The Tribunal considered that delaying enforcement of the eviction order until the end of the school year would minimise any potential negative impact of the order on the education of the two school aged children. The Tribunal considered the potential prejudice to the eviction order being delayed. There was no evidence to suggest that there would be any significant prejudice to the Applicant. By contrast, the information before the Tribunal about the potential prejudice to the Respondent's two school aged children persuaded the Tribunal that a longer period of delay was appropriate in all of the circumstances.

Decision

23. The Tribunal determines that an eviction order should be granted against the Respondent but enforcement delayed until 30 June 2027.

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.

Serena Weir

	12/11/26
Legal Member/Chair	**Date**