

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/25/5509

Re: Property at 13 Evan Court, Beattock, DG10 9PY (“the Property”)

Parties:

Mr John Allen, Mill House, Evanbank, Beattock, DG10 9SG (“the Applicant”)

Miss Karen Furlong, 13 Evan Court, Beattock, DG10 9PY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 9 June 2026.

The CMD took place by teleconference on 3 July 2026 at 2.00 pm. The applicant was represented by Mr Ewan Edmond and Mrs Lesley Gordon of McJerrrow and Stevenson. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 13 Evan Court, Beattock DG10 9PY. The applicant is Mr John Allen who is the heritable proprietor of the property and the registered landlord. The respondent is Miss Karen Furlong who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 7 February 2020

The applicant intends to sell the let property and relies upon ground 1 of schedule 3 to the 2016 Act. The notice period under ground 1 was one of 84 days. The notice to leave is dated 9 July 2025 and stated that the earliest an application be submitted to the tribunal would be 8 October 2025. There is evidence from the post office that service of the notice to leave took place upon the respondent on 11 July 2025. Sufficient statutory notice was given.

In support of the ground of eviction the applicant has produced proof of the intended sale of the property in the form of a letter of engagement from agents confirming his instructions to market the property. The applicant seeks to leave the commercial letting market as he is moving away from the area. The tribunal was satisfied on the basis of the unchallenged credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The respondent is not opposed to the application. The parties know one another and the respondent has advised the applicant that she simply requires an eviction order to produce to the local authority. She has no dependants. A Section 11 Homelessness notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction 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.



Legal Member/Chair

3 July 2026

Date