



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/24/3394

Re: Property at Brownhill of Annochie Cottage, Elrick & Annochie Estate, Buchan, Auchnagatt, AB41 8TE (“the Property”)

Parties:

Aberdeen Endowments Trust, 19 Albert Street, Aberdeen, AB25 1QF (“the Applicant”)

Mrs Fiona Holt, Mr Jonathon Holt, Brownhill of Annochie Cottage, Elrick & Annochie Estate, Buchan, Auchnagatt, AB41 8TE (“the Respondents”)

Tribunal Members:

Nairn Young (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondents)

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

- Background

This is an application for an eviction order against the Respondents, who occupy the Property in terms of a private residential tenancy agreement with the Applicant. It called for case management discussion (‘CMD’) at 10am on 3 April 2025, by teleconference. The Applicant was represented on the call by Ms Mitchell, of Ledingham Chalmers LLP, solicitors. The Respondents were not on the call or represented. The commencement of the CMD was delayed by 10 minutes in case they were experiencing any technical difficulty; but there remained no contact from them.

The application and notice of the CMD were served on the Respondents by sheriff officers on 21 February 2025. The Tribunal was therefore satisfied that they were aware of the CMD and had chosen not to oppose the application.

- Findings in Fact

The Tribunal considered the following unopposed facts as relevant to its decision:

1. The Applicant lets the Property to the Respondents in terms of a private residential tenancy agreement with a start date of 24 February 2021.
2. On 19 April 2024, the Applicant hand-delivered a notice to leave to the Respondents, stating that it would rely on Ground 1 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 ('the Act') in any application to the Tribunal to follow.
3. The Applicant is the owner of the Property.
4. The Applicant intends to sell the Property for market value, or at least put it up for sale, as soon as the Respondents cease to occupy it.
5. The Applicant wishes to sell the Property as part of general restructuring of its assets, better to further its charitable aims.

- Reasons for Decision

6. Ground 1 is established here and, in particular, it is reasonable for the order to be granted. It is generally reasonable for the Applicant to be allowed to sell its property and the Respondents have not suggested any reason why that general position should not apply in this case.

- Decision

Eviction order granted.

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.

Nairn Young

3rd April 2025

Legal Member/Chair

Date