



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/3507

Re: Property at G/L 8 (1/8), Brown Constable Street, Dundee, DD4 6QZ (“the Property”)

Parties:

Miss Louise White, 10 Claypotts Place, Broughty Ferry, Dundee, DD5 1LG (“the Applicant”)

Miss Rebecca Margaret Fraser, G/L 8 (1/8), Brown Constable Street, Dundee, DD4 6QZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 6 May 2025. The Applicant was represented by their letting agent, Ms J. Anderson. The Respondent was also personally present together with her representative, Mr K. Marshall of Dundee Law Centre. Mr Marshall had submitted representations to the Tribunal outlining that the Respondent considered herself obliged to oppose the Application in order to avoid being considered intentionally homeless. The Tribunal discussed the Application with all parties. The Applicant wishes to sell the Property as part of a plan to sell her portfolio of properties and cease being a landlord.

[4] The Respondent lives alone in the Property without dependents. She explained that she suffers from anxiety and depression. She subsists on state benefits. She is not in receipt of Adult Disability Payment.

[5] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1. The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
- 2. The Applicant now wishes to sell the Property and cease operating as a landlord.*
- 3. The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
- 4. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5. The Respondent lives alone in the Property which has not been specially adapted for her needs.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal could find no credible basis to conclude that what the Applicant was intending to do was unreasonable. In fact the Tribunal positively considered that it was reasonable and so granted the Application and made an 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

6 May 2025

Date