

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

Chamber Ref: FTS/HPC/EV/25/0793

Re: Property at 60 Ancrum Drive, Dundee, DD2 2JB (“the Property”)

Parties:

Mr Baktosch Gillan, 140 Strathern Road, Broughty Ferry, Dundee, DD5 1BQ (“the Applicant”)

Miss Lindsay Robertson, 60 Ancrum Drive, Dundee, DD2 2JB (“the Respondent”)

Tribunal Members:

Alan Strain (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for eviction and recovery of possession be granted.

This is an application under Rule 109 and section 51(1) of the Act in respect of the Applicants’ intention to sell the Property and for eviction and recovery of possession on Ground 1 of Schedule 3 to the Act.

The Tribunal had regard to the following documents lodged in advance of the Hearing:

1. Application received 24 February 2025;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 1 May 2018;
3. Notice to Leave dated 21 February 2025 and served by email of the same date;
4. Section 11 Notice and email serving on local authority dated 17 February 2025;
5. Home Report dated 4 February 2025;
6. Letter of 21 February 2025 from Applicant’s solicitor confirming status of offer on Property;
7. Email from Respondent confirming she does not oppose the application for eviction dated 21 February 2025;
8. Letter from prospective purchaser’s solicitor dated 6 March 2025.

Case Management Discussion (CMD)

The case called for a CMD by conference call on 14 May 2025. The Applicant did not participate but was represented by his solicitor Mr Calvin Gordon. The Respondent participated and represented herself.

The Respondent's position

The Respondent did not seek to oppose the order for recovery of possession.

The Respondent lives in the Property along with her 2 children.

The Respondent has been in touch with the local authority and is waiting for housing from them.

The Applicant's position

The Applicant's position was that his mortgage term had ended, he had an offer on the Property and wished to proceed to sell.

Mr Gordon also made an application to the Tribunal to dispense with or shorten the period of charge following the grant of an order. The reason for this was to avoid any further delay which may jeopardise the offer that was on the table.

Decision and Reasons

The Tribunal considered the documentary evidence and agreement between the Parties.

The Tribunal had regard to the terms of Ground 1:

Landlord intends to sell

1(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.

In so far as material the Tribunal made the following findings in fact:

1. The parties let the Property under a Private Residential Tenancy Agreement (**PRTA**) commencing 1 May 2018;
2. Notice to Leave was dated 21 February 2025 and served by email of the same date;
3. Section 11 Notice was served by email on the local authority on 17 February 2025;
4. The Applicant is the owner of the Property and intends to sell it or at least put it up for sale within 3 months of the Respondent ceasing to occupy it;
5. The Applicant has paid for and obtained a Home Report dated 4 February 2025;
6. The Applicant's mortgage term has ended;
7. The Applicant has an offer on the table for the purchase of the Property which he wishes to accept;
8. The Respondent does not oppose the order being granted;
9. The Respondent is in contact with the local authority housing department regarding rehousing;
10. The Respondent lives in the Property with her 2 children.

The Tribunal were satisfied that Ground 1 had been established.

The Tribunal were aware that it had to be satisfied that it was reasonable in the circumstances to grant the order sought. The Tribunal determined that it would be reasonable to grant the order sought in the circumstances.

The Tribunal weighed the competing interests of the Parties and determined that it was reasonable in the circumstances to grant the application for eviction and recovery of possession.

The Tribunal did not consider it reasonable to dispense with or shorten the period of the charge as requested by Mr Gordon. His motion to that effect was refused.

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

Joe Black

Alan Strain

14 May 2025

Legal Member/Chair

Date