

**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/24/4761**

**Re: Property at 1 Strathgray Wynd, Dykes of Gray, Dundee, DD2 5BT (“the  
Property”)**

**Parties:**

**Mrs Margaret Morton, Willoughby House, 1 Kingfisher Place, Kingennie,  
Broughty Ferry, Dundee, DD2 5BT (“the Applicant”)**

**Mr Connor Airlie, Miss Michaela Chaplin, 1 Strathgray Wynd, Dykes of Gray,  
Dundee, DD2 5BT (“the Respondents”)**

**Tribunal Members:**

**Alan Strain (Legal Member) and Helen Barclay (Ordinary Member)**

**Decision (in absence of the Respondents)**

**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 15 October 2024;
2. Private Residential Tenancy Agreement (**PRTA**) commencing 20 January 2023;
3. Notice to Leave dated 20 June 2024 and served by Royal mail Track and Trace  
on 21 June 2024;
4. Section 11 Notice and letter serving on local authority dated 20 November 2024;
5. Letter from Selling Agents dated 19 June 2024;
6. Sheriff Officer Certificate of Service of CMD Notification on the Respondent  
dated 20 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 her solicitor Mr Michael Brown. The Respondents did not participate and were unrepresented.

The Tribunal delayed the start of the CMD to see if the Respondents would participate but they did not.

The Tribunal were satisfied that the Respondents had received notification of the Case Management Discussion and that the Tribunal could determine the matter if it considered it had sufficient information to do so and the procedure was fair. The notification also advised the Respondents that they should attend and the Tribunal could determine the matter in absence if they did not.

### *The Applicant's position*

The Applicant's position was that this was her last remaining rental property. She and her husband were both retired and simply wished to realise the funds for their retirement.

Mr Brown had limited information about the Respondents.

## **Decision and Reasons**

The Tribunal considered the documentary evidence and information provided by Mr Brown.

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 20 January 2023;
2. Notice to Leave was dated 20 June 2024 and served by Royal mail Track and Trace on 21 June 2024;
3. Section 11 Notice was served by letter on the local authority on 20 November 2024;
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 Respondents ceasing to occupy it;
5. The Applicant is retired and has no other rental properties. She wished the funds to assist with her retirement.

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.

### **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.**

**Alan Strain**

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**Legal Member/Chair**

**9 June 2025**

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**Date**