



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/24/4899

Re: Property at 82 Strathmore Street, Broughty Ferry, Dundee, DD5 2NZ (“the Property”)

Parties:

Mrs Sarah Houston, 35 Grayhaugh Wynd, Dundee, DD2 5GP (“the Applicant”)

Miss Stevie Strachan, 82 Strathmore Street, Broughty Ferry, Dundee, DD5 2NZ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Mary Lyden (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 15 March 2025 informing both parties that a CMD had been assigned for 3 June 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision

today on the application if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 5 April 2025. No representations were received.

The case management discussion – 3 June 2025

4. The CMD took place by conference call. Both parties joined the call and represented themselves. The Tribunal explained the purpose of the CMD.
5. The Applicant explained that she received an offer to purchase the Property last year, but that sale fell through because the local authority has not rehomed the Respondent. The Property has been remarketed and another offer has been accepted. The missives have not progressed because the Applicant does not yet have vacant possession. The Applicant has sold 5 other rental properties and this is the last property she has to sell because she wishes to cease activity as a landlord.
6. The Respondent advised that she does not oppose the application. She has been in touch with the local authority and has been told to stay in the Property until after this application has been determined by the Tribunal. She lives in the Property with her two children aged 1 and 12. The Property has 2 bedrooms and she would be looking for bigger accommodation to adequately house her family unit. She has looked at the private market sector but properties in that sector are unaffordable.
7. The Tribunal adjourned to consider the information provided. When the CMD reconvened, the Tribunal explained that the members found that the ground of eviction had been established and that it was reasonable to grant the order for eviction.

Findings in Fact

8. The parties entered into a private residential tenancy which commenced 18 May 2018.
9. The Applicant served Notice to Leave on the Respondent by email and personal delivery on 26 January 2024.
10. The Applicant intends to sell the Property.

Reason for Decision

11. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. She has already received an

offer to purchase the Property and that was withdrawn. She has received another offer to purchase the Property and that offer is extant. The Tribunal was satisfied that the ground for eviction was established. In light of the information provided by both parties, the Tribunal found that it was reasonable to grant the order for eviction.

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.

Nicola Irvine
Legal Member/Chair

Legal Member/Chair

3 June 2025

Date