



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/24/5100

Re: Property at 32 Gardner Street, A2 / Top Right, Dundee, DD3 6DR (“the Property”)

Parties:

Mr Glen Wilson, Mrs Maureen Wilson, 51 Regents House, Smilie Court, Dundee, DD3 6TP (“the Applicant”)

Mr Eugene Black, 32 Gardner Street, A2 / Top Right, Dundee, DD3 6DR (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Tony Cain (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This is an application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The application seeks an eviction order. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 20 March 2025.

The CMD took place by teleconference on 28 May 2025 at 10.00 am. The applicants were represented by Mr Gary Ewart of Alba Residential. The respondent failed to participate in the hearing.

Findings and Reasons

The property is 32 Gardner Street, A27 Top Right, Dundee DD3 6DR. The applicants are Mr Glen and Mrs Maureen Wilson who are the heritable proprietors of the property and the registered landlords. The respondent is Mr Eugene Black who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 12 January 2024. The rent was stipulated at £550 per month.

The applicant relies upon ground 1 contained within schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The relevant notice period under ground 1, at the time the notice to leave was served was one of 84 days. The notice is dated 7 August 2024 and stipulates that the earliest an application be submitted to the tribunal would be 1 November 2024. There is evidence that the notice to leave was emailed to the respondent on 7 August 2024. Sufficient statutory notice was given.

In support of the ground of eviction the applicants have produced a copy of the estate agency mandate and terms of business for marketing the property with their appointed solicitors and estate agents Gilson Gray. Their motivation to sell is due to their recent retirement. The running of the property incurs an ongoing loss. They wish to realise the asset and equity in the property.

The tribunal was satisfied that it is the applicants' genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent is known to be employed. He cares for his two children on a shared basis. He has no disabilities or other vulnerabilities. He has offered no active opposition to the application.

A Section 11 homelessness notice has been issued to the relevant local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the 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.

Richard Mill

28 May 2025

Legal Member/Chair

Date