



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/24/5807

Re: Property at 67 Balunie Drive, Dundee, DD4 8PZ (“the Property”)

Parties:

Stobmuir Enterprises Ltd, 15 Albert Street, Dundee, DD4 6EA (“the Applicant”)

Miss Moriel Sardar, 67 Balunie Drive, Dundee, DD4 8PZ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Eileen Shand (Ordinary Member)

Decision

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 eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 8 April 2025.

The CMD took place by teleconference on 3 July 2025 at 10.00 am. The applicant company was represented by Mr Amir El-Bakary who is a director. The respondent joined personally and represented her own interests.

Findings and Reasons

The property is 67 Balunie Drive, Dundee DD4 8PZ. The applicant is Stobmuir Enterprises Ltd who is the heritable proprietor of the property and the registered landlord. The respondent is Miss Moriel Sardar.

The parties entered into a private residential tenancy which commenced on 11 December 2019 in respect of the property. The applicant relies upon ground 1 of schedule 3 to the 2016 Act. This is a ground for eviction where the landlord intends to sell the let property.

The relevant notice period under ground 1 is one of 84 days. The notice to leave relied upon in this case is dated 12 September 2024 and stipulates that the earliest an application be submitted to the tribunal would be 8 December 2024. There is evidence that the notice to leave was served by email on the date that it is dated. Sufficient statutory notice was given.

The property is not subject to any mortgage. The applicant wishes to ingather funds to meet liabilities. The applicant has already agreed a sale with Kass Property Company Ltd, subject to the property being purchased with vacant possession. This is evidenced. The proposed sale is not challenged by the respondent. The tribunal was satisfied that the ground for eviction was established.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order. The respondent does not oppose the application. She is self-employed. She has two school age children who both have additional support needs.

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

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The tribunal determined that it was fair to extend the period for any implementation of the eviction order until 31 August 2025 to reflect the respondent's domestic circumstances including the needs for her two children.

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

Date