



**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/24/5584

**Re: Property at Flat 11A (otherwise known as Flat B11) Baffin Street, Dundee,
DD4 6HB (“the Property”)**

Parties:

**Y & P Asset Management Limited, 29 Rutland Square, Edinburgh, EH1 2BW (“the
Applicant”)**

Danya Ali, 11A Baffin Street, Dundee, DD4 6HB (“the Respondent”)

Tribunal Member:

Andrew Cowan (Legal Member) and Helen Barclay (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an order for eviction should be granted in favour of
the Applicant.**

Background

1. This is an application by the Applicant for an eviction order in relation to a Private Residential Tenancy (“PRT”) in terms of rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 as amended (“the Rules”).
2. The application relied upon a Notice to Leave dated 5th September 2024, issued in terms of section 50 of the *Private Housing (Tenancies) (Scotland) Act 2016*, served upon the Respondents by email, all in accordance with the provisions of the PRT. The Notice relied upon Ground 1 of Schedule 3 Part 1 of the 2016 Act, being that “the landlord intends to sell”. The Notice to Leave intimated that an application to the Tribunal would not be made before 1st December 2024.

3. Evidence of a section 11 notice in terms of the *Homelessness Etc. (Scotland) Act 2003* served by email upon Dundee City Council on 4th December 2024 was included in the application papers.
4. The Applicant had lodged a copy of a mortgage default notice dated 25th July 2024 from their commercial lenders. That notice related to several properties owned by the Applicant.

The Case Management Discussion

5. A Case Management Discussion (“CMD”) took place by teleconference on 10th March 2025. The Applicant was represented at the CMD by their solicitor, Mr. David Gray.
6. The Respondents did not join the CMD call.
7. At the CMD, the Tribunal were concerned that there was not sufficient evidence presented to satisfy the Tribunal that it was reasonable to grant an order for eviction. The Tribunal issued Directions to the Applicant to provide further evidence on this matter.
8. A further case management discussion was held on 11th August 2025. The Applicant was again represented at the continued CMD by their solicitor, Mr. David Gray.
9. By email dated 8th August 2025 the Applicant’s solicitor had provided a further submission with details as to why the Applicant considered it was reasonable to grant the eviction order.
10. The Respondent joined the continued CMD call.

Findings in Fact and Law

11. The Applicant is the owner of the Property,
12. The Applicant let the Property to the Respondents under a Private Residential Tenancy which commenced on 6th December 2021.
13. Notice to Leave was emailed to the Respondent on 5th September 2024. The notice to leave relied upon Ground 1 of Schedule 3 part 1 of the 2016 Act
14. A section 11 notice in the required terms of the *Homelessness Etc. (Scotland) Act 2003* was served upon Dundee City Council on 4th December 2024.
15. The Applicant intends to market and sell the Property.

16. The Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Respondents ceasing to occupy it.
17. It is reasonable that an order for eviction is granted.

Reasons for Decision

18. The application is in terms of rule 109, being an order for eviction of a PRT. We were satisfied based on the application and supporting papers that the Notice to Leave had been competently drafted and served upon the Respondent.
19. Ground 1 of Schedule 3 to the 2016 Act (as amended and applying to this application) applies if:
- (1.)...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.
 - (2) 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.
20. At the continued CMD the Applicant's solicitor confirmed that the Applicant is a commercial landlord owning originally eight properties including the one subject to this application, but due to recent sales that number has been reduced to six properties. The company aims to divest itself of all property assets and to then apply for dissolution. The Applicant is currently unable to afford to maintain its financial commitments following an increase in the interest rate affecting the portfolio. There is no prospect of the income derived from the portfolio being able to address ongoing costs. The portfolio is loss-making and must be divested. The Applicant's solicitor further confirmed that the Applicant wishes to sell the Property as it wishes to realise the value of the Property to allow it to redeem the mortgage over the Property. The Applicant intends to market the Property for sale as soon as the Respondent has vacated the Property.
21. At the continued CMD the Respondent confirmed that she did not wish to oppose the application for eviction. The Respondent explained that she has

applied to the local authority for rehousing and that the local authority will only progress her application after the Tribunal has granted an order for her eviction from the Property.

22. The Tribunal considered whether it was reasonable to issue an eviction order.

The Tribunal accept that the Applicant wishes to sell the for the reasons given in the written submission which was lodged on their behalf.

The Respondent does not wish to oppose the application.

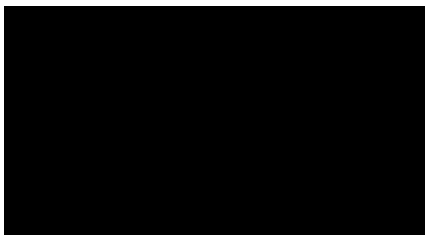
23. The Tribunal are satisfied that it is reasonable to grant an order for eviction.

Decision

24. In all circumstances, the Tribunal grant an order against the Respondent for eviction from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 further to ground 1 of Schedule 3 of that Act.

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.



11th August 2025

Legal Member/Chair

Date