



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/25/0718

Re: Property at Miltonbank Cottage East, Tannadice, Forfar, Angus, DD8 3TU (“the Property”)

Parties:

Mr Andrew Neil Houstoun, Mrs Victoria Margaret Houstoun, Miltonbank Farmhouse, Tannadice, Forfar, Angus, DD8 3TU (“the Applicants”)

Mr Tom Curran, Miltonbank Cottage East, Tannadice, Forfar, Angus, DD8 3TU (“the Respondent”)

Tribunal Members:

Andrew Upton (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted, and that the Private Residential Tenancy will terminate on 13 October 2025.

Statement of Reasons

1. This Application called for its Case Management Discussion by teleconference call on 12 September 2025. All parties were present on the call.
2. In this Application the Applicants seek an eviction order. They say that their son intends to live in the Property. Accordingly, Notice to Leave has been served with reliance on ground 5 of Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.
3. The Respondent does not dispute the Application. He accepts that ground 5 is established, and that it is reasonable to evict. He lives alone at the Property.

The Property has not been adapted for his use. He does not access any local specialist services. He is employed, but currently on long-term sickness absence. He is unable to leave the Property without being considered voluntarily homeless. He needs an eviction order to be granted before he will be deemed a priority case for re-housing.

4. In terms of Rule 17(4) of the First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017, the Tribunal may do anything at a Case Management Discussion that it may do at a Hearing, including make a Decision. In terms of Rule 2, the Tribunal must have regard to the overriding objective to deal with proceedings justly when making a Decision. That includes a need to avoid unnecessary delay.
5. The parties are in agreement that the requirements of Ground 5 for eviction are met. They are agreed that it is reasonable to grant the eviction order. Having heard from the Parties, and considered all of the circumstances, the Tribunal agrees that it is reasonable to grant the eviction order.
6. For the purposes of section 51(4) of the 2016 Act, the PRT between the parties will terminate on 13 October 2025.

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.

A.Upton

Legal Member/Chair

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Date: 12/09/2025