



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 51(1) of the Private Housing
(Tenancies) (Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/25/0528

Re: Property at 54B High Street, Arbroath, DD11 1AW (“the Property”)

Parties:

Mr Alan Phin, Gillian Phin, Villa 61, Seashore Compound, Al Ichobar, Saudi Arabia; unknown, unknown (“the Applicant”)

Miss Shannon McCaffray, 54B High Street, Arbroath, DD11 1AW (“the Respondent”)

Tribunal Members:

Graham Harding (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 the Applicants were entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision.

Background

1. By application dated 7 February 2025 the Applicants’ representatives, Rent Locally, Tayside & Fife, applied to the Tribunal for an order for the eviction of the Respondent from the property in terms of Ground 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Applicants’ representatives submitted a copy of a tenancy agreement, Notice to Leave with execution of service, Section 11 Notice and a letter of appointment by selling agents together with other documents in support of the application.
2. By Notice of Acceptance dated 10 April 2025 a legal member of the Tribunal with delegated powers accepted the application and a Case Management Discussion (“CMD”) was assigned.

3. Intimation of the CMD was served on the Respondent by Sheriff Officers on 20 August 2025.

The Case Management Discussion

4. A CMD was held by teleconference on 24 September 2025. The Applicants did not attend but were represented by Mrs Laura Wheelan from the Applicants' representatives. The Respondent did not attend nor was she represented. The Tribunal being satisfied that the Respondent had been given proper notice of the CMD determined to proceed in her absence.
5. The Tribunal noted from the documents submitted with the application that the parties commenced a Private Residential tenancy of the property on 17 October 2023 at a rent of £450.00 per calendar month. Mrs Wheelan advised the Tribunal that the Respondent had accrued rent arrears in July but had once again paid rent in full in September.
6. The Tribunal also noted that the Respondent had been served with a Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act by email on 12 November 2024 and that a Section 11 Notice had been sent to Angus Council by email on 7 February 2025. The Tribunal also noted that a firm of solicitors had been instructed to market the property for sale once vacant possession had been obtained.
7. Mrs Wheelan advised the Tribunal that the Respondent remained in the property but that she had been asked to provide references to local Housing Associations and understood that the Respondent was actively looking for another property. Mrs Wheelan advised the Tribunal that the Respondent lived alone in the property.
8. In response to a query about the Applicants' circumstances, Mrs Wheelan explained that the Applicants continued to live in Saudi Arabia but that the First Applicant had been made redundant and the Applicants were selling their whole portfolio of rental properties to realign their finances. Mrs Wheelan said that of the portfolio of four properties this was the last property left occupied, the other tenants having left and the properties were in the course of being marketed for sale although none had yet been sold.

Findings in Fact

9. The Respondent commenced a Private Residential Tenancy of the property on 17 October 2023.
10. A Notice to Leave under Ground 1 of Schedule 3 of the 2016 Act was served on the Respondent on 12 November 2024.

11. A Section 11 Notice was sent to Angus Council on 7 February 2025.
12. The Applicant has instructed Cambell Boath, Solicitors, to market the property for sale.
13. The First Applicant has been made redundant.
14. The Applicants are restructuring their financial affairs and are disposing of their portfolio of four rental properties.
15. The Respondent lives alone in the property.
16. The Respondent has accrued some rent arrears but has paid her rent in full in September 2025.
17. The Respondent has applied to the Local Authority and to local Housing Associations for accommodation.

Reasons for Decision

18. The Tribunal was satisfied from the documents submitted and the oral submissions of Mrs Wheelan that the parties entered into a Private Residential tenancy that commenced on 17 October 2023. The Tribunal was also satisfied that a valid Notice to Leave had been served on the Respondent under Ground 1 of Schedule 3 of the 2016 Act and that proper intimation of the proceedings had been given to Angus Council by way of a Section 11 Notice. The Tribunal was also satisfied from the documents produced and the oral submissions that Applicants intend to use Cambell Boath to market the property for sale.
19. The Tribunal was therefore satisfied that procedurally the criteria for granting an order for the eviction of the Respondent from the property had been met subject to it being reasonable for such an order to be made. In reaching a decision on reasonableness the Tribunal noted that despite being given an opportunity to submit written representations to the Tribunal and to attend the CMD the Respondent had chosen to do neither. The Tribunal also noted that the Respondent was actively seeking alternative accommodation from the Local Authority and local Housing Associations. The Tribunal took account of the Respondent having accrued some arrears of rent and also that she lived in the property alone. With regards to the Applicants' circumstances the Tribunal accepted that there had been a material change in their circumstances following the First Applicant being made redundant and that this had resulted in it being necessary for them to restructure their financial affairs and dispose of their portfolio of properties.
20. After carefully considering the circumstances of both parties the Tribunal was persuaded that the needs of the Applicants in this application were such that although there would undoubtedly be an adverse impact on the

Respondent and it was reasonable to grant the order. However, in order to give the Respondent some additional time to find suitable alternative accommodation the Tribunal determined that enforcement of the order should be suspended for a period of two months.

Decision

21. The Tribunal being satisfied it had sufficient information before it to make a decision without the need for a hearing, finds the Applicants entitled to an order for the eviction of the Respondent from the property but that enforcement of the order should be suspended for a period of two months from the date of the decision.

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.

**Graham Harding
Legal Member/Chair**

**24 September 2025
Date**