



**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/25/1231

**Re: Property at 500 Charleston Drive, Menzieshill, Dundee, DD2 4AA (“the
Property”)**

Parties:

**Mr Derek Mulherron, 51 Maryknowe, Gauldry, Newport-on-Tay, DD6 8SL (“the
Applicant”)**

**Ms Debbie Reid, 500 Charleston Drive, Menzieshill, Dundee, DD2 4AA (“the
Respondent”)**

Tribunal Members:

Nicola Irvine (Legal Member) and Frances Wood (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the Applicant is entitled to the Order sought for
recovery of possession of the property.**

Background

1. The Applicant submitted an application under Rule 109 for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 21 August 2025 informing both parties that a CMD had been assigned for 9 October 2025 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision today on the application if the Tribunal has sufficient information and

considers the procedure to have been fair. The Respondent was invited to make written representations by 11 September 2025.

4. The Tribunal received an email from the Respondent's representative on 28 August 2025 indicating that the Respondent will be represented at the CMD and that the application for an eviction order is not opposed.

The case management discussion – 9 October 2025

5. The CMD took place by conference call. The Applicant was represented by Mr Calvin Gordon, solicitor. The Respondent joined the conference call and was represented by Mr Kenneth Marshall, solicitor. The Tribunal explained the purpose of the CMD. The Respondent's representative confirmed that the application is not opposed and advised that the Respondent lives in the Property with her two children aged 19 and 17. Her representative explained that the Respondent intends to look for alternative accommodation in the social sector. The Respondent is aware of the timescales for eviction in the event that an order is granted. The Applicant's representative explained that this is the only rental property owned by the Applicant. He is retired and intends to cease activity as a landlord. He has an interest only mortgage on the Property and will have to repay that when the Property is sold.
6. The Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

Findings in Fact

7. The parties entered into a private residential tenancy which commenced 21 May 2023.
8. The Applicant issued a Notice to Leave to the Respondent by recorded delivery post on 27 June 2024.
9. The Applicant intends to sell the Property.

Reason for Decision

10. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
11. The Tribunal proceeded on the basis of the documents lodged and the submissions made at the CMD. The Applicant relied upon ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016. The Applicant has produced a letter from the firm of solicitors instructed by him which confirms the intention to sell. The Tribunal was satisfied that ground 1 had been established. The Respondent had taken legal advice in relation to the eviction application and did not oppose it. In relation to reasonableness, the Tribunal took account of

the explanation provided about the reason given for the intended sale. The Tribunal was satisfied that it was reasonable to grant the order sought.

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.

Nicola Irvine

Legal Member/Chair

Date: 9th October 2025