



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/25/1003

Re: Property at GRF 88 Great Western Road, Aberdeen, AB10 6QF (“the Property”)

Parties:

Pippa Robertson, 85 Cameron Street, Stonehaven, AB39 2HF (“the Applicant”)

Miss Tracey Elizabeth Wetherly, GRF 88 Great Western Road, Aberdeen, AB10 6QF (“the Respondent”)

Tribunal Members:

John McHugh (Legal Member) and Nicholas Allan (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for possession of the Property would be made in favour of the Applicant.

Background

The Applicant is the owner of the Property. The Applicant is the landlord and the Respondent the tenant in terms of a private residential tenancy of the Property. The Applicant has applied to bring the tenancy to an end to allow her to sell the Property.

The Case Management Discussion

A Case Management Discussion (“CMD”) took place by way of telephone conference on 7 October 2025. The Applicant attended. The Respondent did not attend and was not represented. The Applicant advised that she had previously resided in the Property. It was her only rental property. She required to sell it to

enable her to make her own life arrangements. Her intention is to do some painting after the Respondent leaves and then to put the Property on the market for sale at market value. She has instructed Mackinnons Solicitors to act for her in the sale.

Findings in Fact

1. The Applicant is the owner of the Property.
2. The Applicant and the Respondent entered into a private residential tenancy of the Property dated 8 and 11 March 2021.
3. The Applicant served a Notice to Leave upon the Respondent dated 13 November 2024 by recorded delivery post.
4. The Notice to Leave is deemed to have been received on 15 November 2025.
5. An 84 day notice period applied.
6. The Notice to Leave specified 7 February 2025 as the date by which the Applicant anticipated being able to raise possession proceedings.
7. The earliest date which should have been included in the Notice was 8 February 2025.
8. The error did not affect the effect of the Notice.
9. The Applicant is entitled to sell the Property.
10. The Applicant intends to expose the Property for sale at the market price within three months.
11. The Respondent is the only occupant of the Property.

Reasons for Decision

The Tribunal was satisfied that notice of the CMD had been given to the Respondent and was prepared to deal with the CMD in her absence. The Applicant also indicated that she knew that the Respondent was aware of the CMD. There had been no contact with the Tribunal by the Respondent in the whole process to date.

The Applicant had produced a letter from Mackinnons Solicitors evidencing that she had instructed them to act for her in the sale of the Property. She advises that she requires to sell it to facilitate her own life plans. She owns no other rental properties. The Respondent lives alone at the Property. The Applicant intends to sell the Property for market value as soon as some decoration has been completed after the Respondent moves out. The Applicant reported complaints of anti-social behaviour at the Property but as this is not a basis of the current application, it is irrelevant to our decision.

The Notice to Leave was served on 13 November 2025 by recorded delivery post. It is deemed to have been served 48 hours later ie on 15 November. The date by which the Applicant expects to be able to commence possession proceedings is noted on the Notice as 7 February 2025. This is a miscalculation as the 84 day notice in fact expired on 8 February 2025.

The Applicant invited the Tribunal to relieve the Applicant of the consequences of the error by employing the provisions of section 73 of the 2016 Act. Section 73 (1) provides: *“An error in the completion of a document to which this section applies does not make the document invalid unless the error materially affects the effect of*

the document.” In this case, the current application was not brought until 5 March 2025 and so the Respondent has in fact received significant additional time before proceedings were begun. There therefore appears to be no prejudice to the Respondent. The error is minor and, in our view, did not affect the effect of the Notice to Leave. In this respect we have noted the Decision of the Upper Tribunal in *Halcrow v Davies and Hunter* 2025 UT 68 in which near identical circumstances were held to represent a suitable basis to apply the terms of section 37.

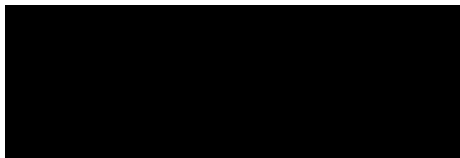
On the basis of the available information, the Tribunal considers that it would be reasonable to grant the order sought.

Decision

An order for possession of the Property will be made in the Applicant’s favour.

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.



John McHugh, Legal Member/Chair

Date – 07/10/2025