



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/25/1517

Re: Property at 31 Forthill Drive, Broughty Ferry, Dundee, DD5 3DY (“the Property”)

Parties:

Mr William Brown, Ms Catherine Hall, 3 Ralston Place, Broughty Ferry, Dundee, DD5 1NP (“the Applicants”)

Miss Kate Ashley, 31 Forthill Drive, Broughty Ferry, Dundee, DD5 3DY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order be granted against the respondent

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 3 September 2025.

The CMD took place by teleconference on 16 October 2025 at 2.00 pm. The applicants were represented by Mr Alan Masterton, solicitor. The respondent was represented by Ms Rebecca Falconer, solicitor.

Findings and reasons

The property is 31 Forthill Drive, Broughty Ferry, Dundee DD5 3DY. The applicants are Mr William Brown and Ms Catherine Hall who are the heritable proprietors of the

property and the registered landlords. The respondent is Miss Katrina Ashley who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 1 March 2019. The rent was stipulated at £600 per month.

The applicants rely upon ground 1 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The notice under ground 1 is one of 84 days. The notice to leave relied upon in this case is dated 9 January 2025 and stipulates that the earliest an application be submitted to the tribunal would be 7 April 2025. The notice was emailed on 10 January 2025. Sufficient statutory notice was given.

The applicants, who are elderly, seek to sell the property as they no longer wish to be landlords. They are both retired and do not wish the responsibilities of being landlords. In support of the ground of eviction the applicants have produced a copy of an executed terms of engagement with their estate agent representative which is dated 9 January 2025 confirming their instructions to market the property. The respondent does not challenge the applicants' intention to sell the property.

The tribunal was satisfied based on the credible and reliable evidence produced that it is the applicants' genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent does not oppose the eviction application but cannot consent to an order for eviction being granted due to the intentionality rules under the homeless legislation. She does not offer active opposition to the application.

The respondent is the single mother of two children age 8 and 10 who both attend local schools. One of the children has additional support needs.

The respondent has consulted with Angus Council. She already has a homeless referral logged with the Council. She is not in a position financially to take on another private let. She requires an eviction order to assist her with the securing of alternative accommodation through the local authority. A relevant Section 11 Homelessness notice has been issued to the relevant local authority. The respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

Taking account of the respondent's personal and family circumstances, the tribunal found it reasonable and proportionate to delay execution of implementation of the eviction order for 2 months from the hearing ie until 16 December 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.

Richard Mill

16 October 2025

Legal Member/Chair

Date