



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

Chamber Ref: FTS/HPC/EV/25/1598

Re: Property at 6 Strathmore Drive, Aberdeen, AB16 6SJ (“the Property”)

Parties:

Mr Dennis Douglas, 4 Millan Park, Lumphanan, AB31 4QW (“the Applicant”)

Mr Paul Hyder, 6 Strathmore Drive, Aberdeen, AB16 6SJ (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Helen Barclay (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 10 September 2025 informing both parties that a CMD had been assigned for 23 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 1 October 2025. The Tribunal received written representations from the Respondent on 12, 18, 19, 24 and 30 September 2025.

The case management discussion – 23 October 2025

4. The CMD took place by conference call. The Applicant joined the conference call and was represented by Mr Dean Purdie, solicitor. The Respondent joined the conference call and represented himself. The Tribunal explained the purpose of the CMD.
5. In relation to the status of the Respondent's occupation of the Property, the Respondent explained that when he moved into the Property in October 2021, the Applicant was a resident landlord. The Applicant moved out of the Property in February 2022 and the nature of the Respondent's occupation evolved into a private residential tenancy from that point.
6. The Tribunal explained to the Respondent that the Applicant's position is as set out in the application, namely that he intends to sell the Property and cease activity as a landlord. The Tribunal explained that an affidavit has been lodged in support of that position. The Respondent did not accept that the ground for eviction is established. He stated that the estate agency agreement produced has possibly been forged. He does not believe that the Applicant intends to sell the Property. The Respondent made contact with the estate agency and was told that they had not heard of the Applicant. The Respondent advised that he had no difficulty with the Applicant selling the Property if it is a genuine intention to sell. The Tribunal explained that before any order can be granted, the Tribunal needs to be persuaded that the ground for eviction is established and that it is reasonable for an eviction order to be granted. The Respondent advised that if the Applicant genuinely plans to sell the Property, then it is reasonable to grant an order for eviction. The issue for the Respondent was that he does not believe the Applicant. The Respondent made contact with the local authority after he received the notice to leave but he has not made enquiries about alternative accommodation.
7. The Tribunal explained the significance of the affidavit evidence; it also explained that if the Tribunal were to grant an order for eviction and if the Applicant does not take steps to market the Property for sale, he risks action being taken against him for wrongful termination. This point is specifically covered in the affidavit. The Tribunal had no contrary evidence before it and the only information from the Respondent was that he has no trust in the Applicant.
8. The Applicant's representative explained that the Applicant is beyond normal retirement age and wishes to sell the Property and retire as a landlord. The Applicant has been open about the difficulties between the parties and that was a factor in him deciding to sell the Property. The Applicant's representative advised that the Property has not yet been exposed to the market, so the estate agent will not have an active record of the intended sale. The documentation produced confirms that terms have been agreed in relation to the marketing of the Property. The Applicant does not intend to market the Property for sale unless and until he has vacant possession. In relation to reasonableness, it was submitted that the Applicant has an inherent right to sell his property. An

explanation has been advanced as to why he wishes to sell. The Respondent was given notice of the intention to sell more than 12 months ago. The Respondent lives alone in the Property and has no dependents. He is an intelligent man and should be in a position to secure alternative accommodation.

9. The Tribunal adjourned the CMD briefly to allow the Tribunal members to discuss matters in light of the information provided by the parties. When the CMD was reconvened, the Tribunal explained that it found the ground of eviction established and that it was reasonable to grant the order.

Findings in Fact

10. The parties entered into a private residential tenancy which commenced in or around February 2022.
11. The Applicant issued a Notice to Leave to the Respondent by recorded delivery mail on 8 October 2024.
12. The Applicant intends to sell the Property.

Reason for Decision

13. 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.
14. 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 provided a reason behind his intention to sell the Property. The Applicant submitted affidavit evidence in support of the ground of eviction. Although the Respondent does not trust the Applicant, the Applicant is aware of the consequences if he recovers possession and does not fulfil the requirements of ground 1. The Applicant also produced a copy of an agreement entered into with an estate agent about the proposed sale. The Respondent did not produce any contradictory evidence in relation to the ground of eviction. On the basis of the evidence produced by the Applicant, the Tribunal was persuaded on the balance of probabilities that the Applicant intends to sell the Property. The Tribunal was therefore satisfied that ground 1 was established. In light of both parties' circumstances, and the concession by the Respondent that if the intended sale is genuine, it is reasonable to grant an order for eviction, the Tribunal was persuaded on the issue of reasonableness.

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: 23/10/2025