



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/1980

Re: Property at Flat 1/R, 23 Ogilvie Street, Dundee, DD4 6SE (“the Property”)

Parties:

Mrs Paula Finnie, 4 Wester Coates Gardens, Edinburgh, EH12 5LT (“the Applicant”)

Mr Ryan Fleming, Flat 1/R, 23 Ogilvie Street, Dundee, DD4 6SE (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Angus Lamont (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is an application in terms of Rule 66 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). The Applicant is seeking an order for recovery of possession in terms of section 33 of the Act.
2. A On 18th September 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 29th October 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 9th October 2025.
3. On 19th September 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of intimation dated 19th September 2025.

Case Management Discussion

4. The Tribunal held a CMD on 29th October 2025 at 2pm by teleconferencing. The Applicant was not present but was represented by Ms Simone Callaghan, Paralegal, TC Young. The Respondent was not present or represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
5. Ms Callaghan said that the Applicant is looking to sell her whole property portfolio. She owns seven properties including this one. The Applicant has decided to sell her properties as she has recently had high cost of repairs to one of her other properties. This has caused her to reevaluate her position. She now does not wish to continue to be a landlord. She intends to sell this Property first. She has decided to start with this one as she is having problems with both right of access and rent arrears. She has had notice from one of her other tenants. She is in the process of having that property valued with the intent to sell it. After those properties have sold, she will look to sell the others one at a time.
6. Ms Callaghan said that the Respondent called her office on 24th September 2025. He said that he had received intimation of the CMD and asked for the reason that the order was being obtained. It was explained that the Applicant wishes to sell the Property. Ms Callaghan suggested that he may be able to obtain legal advice. He said that he was on Universal Credit so would not be able to do that.
7. Ms Callaghan said that the Applicant did not believe that it would be possible to sell this property with a sitting tenant. She has not been able to get access to the Property for a Gas Safety Certificate. She believes that there may be repairs needed to be undertaken once access has been obtained. This may affect the value of the Property. The Respondent has not been in regular communication for a year (save for his phone call to her). He has been written to and emailed. His mobile phone number no longer connects.
8. Ms Callaghan said that the arrears are currently £3862.27. The Applicant's letting agent applied for direct payments from the DWP in light of his Universal Credit entitlement. Payments from the DWP started on or around July 2025. The DWP pays £390 in rent payments and £40.01 towards the arrears.

Findings in Fact and Reasons for Decision

9. The parties entered into a Short Assured Tenancy on 12th August 2017 for a 6 month period until 13th February 2018. An AT5 was signed by both parties on the same date as the lease. The rent payments of £390 are due on the twelfth day of each month.

10. There are arrears on the Property amounting to £3862.27. The Applicant receives direct payments for the rent charge from the DWP. Payments from the DWP started on or around July 2025. The DWP pays £390 in rent payments and £40.01 towards the arrears. The Respondent has not made any wilful effort to address the arrears.
11. A right of entry application is at the sifting stage with the Housing and Property Chamber. The Applicant is unable to undertake necessary testing for a Gas Safety Certificate.
12. There has been no communication from the Respondent since 24th September 2025.
13. The Applicant wishes to sell her whole property portfolio of 7 properties. She has had to undertake repairs in one her properties which has caused her to reevaluate her position in terms of being a landlord.
14. There are no issues of reasonableness to prevent an order for eviction being granted.
15. The Tribunal was satisfied that the notices had been served in an appropriate manner and that a Short Assured Tenancy had been entered into by the parties. Given this the Tribunal was satisfied all appropriate paperwork had been served the Order for repossession was granted.

Decision

16. The Tribunal granted an Order for recovery of possession.

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.

Gabrielle Miller

29th October 2025

Legal Member/Chair

Date