

Housing and Property Chamber
First-tier Tribunal for Scotland



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 (“the Act”)

Chamber Ref: FTS/HPC/EV/25/0250

Re: Property at 76 Horloge Hill, Arbroath, DD11 5AG (“the Property”)

Parties:

Mr Scott Lyons, 52 Abbotsford Road, Arbroath, DD11 5HG (“the Applicant”)

Mr Steve Heald, 76 Horloge Hill, Arbroath, DD11 5AG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr T Cain (Ordinary Member)

Decision

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

Background

1. This is a Rule 109 application received in the period between 21st January and 4th March 2025. The Applicant is seeking an eviction order under ground 1. The Applicant representative lodged a copy of a private residential tenancy agreement between the parties commencing on 16th March 2020, a notice to leave with evidence of service, section 11 notice with evidence of service, and evidence of intention to sell.
2. Notification of the application and Case Management Discussion was made upon the Respondent by Sheriff Officer on 19th September 2025.
3. By email dated 18th September 2025, the Applicant representative lodged written representations, stating that no rent had been paid by the Respondent since November 2024.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 29th October 2025. The Applicant was not in attendance and was represented by Mr Dymock, Dymock Properties, who joined the conference

late, following a call from the Tribunal Clerk. The Respondent was in attendance. The Respondent indicated he was calling from a train. The CMD was halted on two occasions when the Respondent lost his connection, to allow him to rejoin.

5. The Tribunal explained the purpose of a CMD. The Tribunal explained the issues which it had to consider before deciding whether or not to grant an order.
6. The Respondent said he was not opposing the order. He is moving to alternative accommodation with family on 30th November 2025. The Respondent said he will sign over the deposit to the Applicant. The Respondent said he had agreed to service of the notice to leave by email.
7. Mr Dymock confirmed the Applicant was still seeking an eviction order to allow him to move to Australia, as set out in the application case file. He requires the funds from the sale of the Property before he can leave. He is also financially burdened by the fact that the Respondent is no longer paying any rent. Mr Dymock said the parties were in the habit of corresponding by email throughout the tenancy.
8. The Tribunal adjourned to consider its decision.

Findings in Fact and Law

9.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 16th March 2020.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicant intends to sell the Property.
 - (iv) The Applicant is entitled to sell the Property.
 - (v) The Applicant intends to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
 - (vi) It is reasonable to grant an eviction order.

Reasons for Decision

10. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.

11. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
12. The Applicant requires to sell the Property in order to move to Australia. The Applicant is facing financial difficulty due to the Respondent's failure to pay rent since November 2024. This is placing a further burden on the Applicant.
13. The Respondent has obtained alternative accommodation to which he intends to move shortly. The Respondent is not opposing the order. The Respondent has not paid rent since November 2024, which suggests the tenancy is unsustainable.
14. The Tribunal considered it was reasonable to grant the order sought.

Decision

15. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 3rd 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.

Legal Member

Ms H Forbes

Date 29th October 2025