

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

Chamber Ref: FTS/HPC/EV/25/1735

Re: Property at 1/R (D) 5 Ellen Street, Dundee, DD1 2QQ (“the Property”)

Parties:

Mr Anthony Ablett, Ms Hazel McDonald, 4 Beach Tower, Ralston Road, Dundee, DD5 1NQ; 4 Beach Tower, Ralston Road, Broughty Ferry, Dundee, DD5 1NQ (“the Applicants”)

Mr John Halpin, 1/R (D) 5 Ellen Street, Dundee, DD1 2QQ (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Ms E Shand (Ordinary Member)

Decision (in absence of the Respondent)

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 whereby the Applicants are seeking an eviction order under ground 1. The Applicants lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 1st August 2023 at a monthly rent of £650, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by personal service by Sheriff Officer on 26th September 2025.
3. A Case Management Discussion (“CMD”) took place by telephone conference on 5th November 2025. The Applicants were in attendance. The Respondent was not in attendance. The Applicants disclosed they were on holiday in Portugal. Portugal is not on the list of countries that consent to the leading of evidence from within their jurisdiction by electronic means. The Tribunal considered that further evidence would be required before an eviction order

could be granted. The Tribunal considered the guidance available and decided it would be appropriate to adjourn the CMD to a date when the Applicants are in the United Kingdom.

4. Notification of a further CMD was provided to parties by letter dated 17th November 2025.
5. By email dated 10th November 2025, the Applicants lodged further written representations.

The Case Management Discussion

6. A CMD took place by telephone conference on 8th December 2025. The Applicants were in attendance. The Respondent was not in attendance.
7. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondent.
8. Mr Ablett said there has been no recent contact with the Respondent. Mr Ablett referred to his written representations and confirmed that he wishes to retire. The Property and the remainder of the Applicants' portfolio are on interest-only mortgages, so the properties need to be sold before the mortgage terms come to an end. The Property is located within a block that has been refurbished, making it an ideal time to sell.
9. Mr Ablett said the Respondent has been less than ideal as a tenant. There has been some damage to the woodwork within the Property caused by a dog, and some damage to the décor caused by the Respondent's son. The terms of the tenancy do not allow a dog in the Property. The Respondent currently has rent arrears in the sum of around £250. Mr Ablett said the Respondent has previously told him that he has declared himself homeless and is in discussion with the local authority.
10. The Respondent lives alone at the Property, with his son staying infrequently. The Respondent is in employment, to the best of the Applicants' knowledge. The Applicants are not aware of any social or medical issues that would affect the Respondent if an order was granted.

Findings in Fact and Law

11.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 1st August 2023.
 - (ii) Notice to leave has been served upon the Respondent.
 - (iii) The Applicants intend to sell the Property.

- (iv) The Applicants are entitled to sell the Property.
- (v) The Applicants intend 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

12. 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.
13. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
14. The Applicant, Mr Ablett, is past retirement age and wishes to sell the Property and retire. The Property is on an interest-only mortgage and the Property needs to be sold before the term of the mortgage expires. The Applicants are in the process of selling most of their portfolio of properties. The Property is situated in a block of flats that has been refurbished, which is likely to assist in selling the Property.
15. The Tribunal had minimal information regarding the Respondent's circumstances. The Respondent did not see fit to attend either CMD or put forward any representations. The Tribunal took into account that the Respondent lives alone at the Property, and has told the Applicants that he is seeking social housing.
16. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicants. It was incumbent upon the Respondent to attend or make representations to the Tribunal to indicate why an order should not be granted, and the Respondent failed to do so. The Tribunal considered it was reasonable to grant the order sought.

Decision

17. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 8th January 2026.

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.

Helen Forbes

Legal Member/Chair —

Date: 8th December 2025