



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/25/2581

Re: Property at 318/D Queen Street, Broughty Ferry, Dundee, DD5 2HQ (“the Property”)

Parties:

Mr Thomas Ramsay, 202 Broughty Ferry Road, Dundee, DD4 6LA (“the Applicant”)

Mr William Cowie, 318/D Queen Street, Broughty Ferry, Dundee, DD5 2HQ (“the Respondent”)

Tribunal Members:

Alison Kelly (Legal Member) and Ann Moore (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 eviction should be granted.

Background

1. On 16th June 2025 the Applicant lodged an Application with the Tribunal under Rule 109 of the First Tier Tribunal for Scotland (Housing and Property Chamber Rules of Procedure) 2017 (“The Rules”), seeking an order to evict the Respondent from the property under Ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016.

2. Lodged with the application were: -
 - i. Copy Private Residential Tenancy Agreement showing a commencement date of 14th September 2021 and a rent of £390 per month;
 - ii. Copy Notice to Leave dated 21st March 2025;
 - iii. Copy email dated 21st March 2025 to the Respondent serving the Notice to Leave;

- iv. Section 11 Notice and proof of service;
- v. Letter from McCash Estate Agents dated 14th July 2025 confirming instructions to market the property.

3. The Application was served on the Respondent by Sheriff Officers on 23rd October 2025.
4. On 13th November 2025 Dundee Law Centre, representing the Respondent, sent an email to the Tribunal attaching a Written Submission. In the Submission they confirmed that the Respondent does not oppose the application, the property is unsuitable for him, it is a bedsit, and he lives there alone, and he receives Universal Credit, including the Limited Availability for Work Related Activity component. They said he has applied for local authority housing but has not yet been offered anything.

Case Management Discussion

5. The Case Management Discussion (“CMD”) took place by teleconference. The Applicant was represented by Mrs Whelan of Rent Locally Ltd. The Respondent joined the call and was represented by Mr Gibson of Dundee Law Centre.
6. The Chairperson explained the purposes of a CMD in terms of Rule 17 of the Rules. The Chairperson explained that the Applicant needed to provide sufficient evidence to establish the ground of eviction, and that it was reasonable for the Tribunal to grant the order.
7. Mrs Whelan sought an order for eviction in terms of ground 1 of Schedule 3 of the Private Housing (Tenancies)(Scotland) Act 21016. She said that the Applicant wishes to sell as he is struggling to meet the costs of having the property.
8. Mr Gibson confirmed the terms of his written Submission. He added that the Respondent had been told by the local authority that he would need to have an eviction order before they could assist him.

Findings in Fact

- a. The parties entered into a Private Residential Tenancy Agreement in respect of the property commencing 14th September 2021 and a rent of £390 per month
- b. A Notice To Leave, dated 21st March 2025, was served timeously and correctly;
- c. A section 11 notice was served on the local authority;
- d. Letter from McCash Estate Agent dated 14th July 2025 confirms instructions to market the property.
- e. The Application was served on the Respondent by Sheriff Officer on 2025;
- f. The Respondent lives alone in the property;
- g. The Respondent has a disability and receives Universal Credit;
- h. The respondent is not opposed to the order being granted.

Reasons for Decision

9. Ground 1 of Schedule 3 of the Act states as follows:

1(1)It is an eviction ground that the landlord intends to sell the let property.

(2)The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord—

(a)is entitled to sell the let property,

(b)intends to sell it for market value, or at least put it up for sale, within 3 months of the tenant ceasing to occupy it, and

(c)the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts.

(3)Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2)(b) includes (for example)—

(a)a letter of engagement from a solicitor or estate agent concerning the sale of the let property,

(b)a recently prepared document that anyone responsible for marketing the let property would be required to possess under section 98 of the Housing (Scotland) Act 2006 were the property already on the market.

10. The Tribunal is satisfied that the ground of eviction has been met by virtue of the documentation produced. The Tribunal is also satisfied that it is reasonable to grant the eviction order given that the Respondent is not opposed to it being granted. Given the time of year the Tribunal considers it reasonable to suspend extract of the order until 30th 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.

Alison Kelly

Legal Member/Chair

Date 5th December 2025