

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/25/2913**

**Re: Property at 40 Birchwood Place, Dundee, DD2 2AT (“the Property”)**

**Parties:**

**Mr Anderson Roberts (Deceased), James Macleod Roberts, Alison Margaret Hodge (Solicitor), 18 Castle Road, Longforgan, DD2 5HA; Orchard Cottage, Inchtute Station, Inchtute, PH14 7QN; Union Bank Building, Coupar Angus, PH13 9AJ (“the Applicant”)**

**Ms Carol Ferguson, 40 Birchwood Place, Dundee, DD2 2AT (“the Respondent”)**

**Tribunal Members:**

**Mark Thorley (Legal Member) and Sandra Brydon (Ordinary Member)**

**Decision (in absence of the Respondent)**

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an Order of Eviction**

- **Background**

1. The Applicant applied to the Tribunal by application dated 7 July 2025.
2. Accompanying the application was a copy of the Tenancy Agreement, together with Confirmation of the appointment of the executor, Notice to Quit, Section 33 Notice, Section 11 Notice and death certificate.
3. Mr Andrew Roberts having deceased, a Mr James Robertson had been appointed executor-nominate. In dealing with the estate, he had instructed the sale of the Property.
4. The application was accepted for determination on 20 August 2025 and served on 5 November 2025.

5. There had been no representations made by the Respondent.

- **The Case Management Discussion**

1. At the case management discussion, Ms Devine represented the Applicant. There was no appearance by or for the Respondent.
2. Ms Devine was aware, from discussions with the Respondent, that the Respondent had secured alternative accommodation through Abertay Housing. The Respondent had not paid the last two months' rent. This may well have been because she had secured alternative accommodation and was paying rent at that address.
3. Ms Devine was aware that the Respondent was getting stuff moved into her new property.

- **Findings in Fact**

1. The Respondent had rented the Property for a rental of Four Hundred and Ninety Five Pounds (£495).
2. This was a two bedroomed property.
3. The owner, Mr Anderson Roberts, had died on 29 January 2025 and his executor had been confirmed on 26 March 2025.
4. The executor-nominate wished to sell the Property.
5. Notices had been served seeking recovery of the Property.

- **Reasons for Decision**

1. The Tribunal had a significant amount of paperwork. The Tribunal could note that the original owner had died. An executor had been appointed. The executor wished to tie up the estate and to sell the property. The various notices had been served.
2. In addition to this, and although the Respondent had not attended on the teleconference hearing, it was noted that the Respondent had secured alternative accommodation.
3. The Tribunal were of the view that, accordingly, it was entirely reasonable for an order to be granted for eviction.

- **Decision**

To grant an Order of Eviction.

## **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.**

Mark Thorley

**15<sup>th</sup> December 2025**

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**Legal Member**

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**Date**