



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/25/2250**

**Re: Property at 13 Speckled Wood Court, Dundee, DD4 0LY (“the Property”)**

**Parties:**

**Linton Family Discretionary Trust, 3 Hall Park Gate, Berkhamsted, Hertfordshire, HP4 2NL (“the Applicant”)**

**Miss Caitlin McGregor, 13 Speckled Wood Court, Dundee, DD4 0LY (“the Respondent”)**

**Tribunal Members:**

**Mary-Claire Kelly (Legal Member) and Frances Wood (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 for possession relying on ground 1 (landlord intends to sell) in schedule 3 of the Private Housing (Tenancies) Act 2016.**

**Background**

1. By application dated 26 May 2025 the applicant seeks an order for possession relying on ground 1 (landlord intends to sell).
2. The following documents were lodged with the application:
  - Copy tenancy agreement
  - Section 11 notice
  - Notice to leave and proof of service
  - Email from Thorntons Law regarding marketing the property

### **Case management discussion (“cmd”) - 26 November 2025 – teleconference**

3. The applicant was represented by Ms Burr, DJ Alexander Letting agents. The respondent was not present or represented. The respondent had been served with papers by Sheriff Officers letterbox delivery on 16 October 2025. The Tribunal was satisfied that the respondent had been properly notified of the cmd and proceeded in her absence in terms of rule 29.1.
4. Ms Burr sought an order for eviction. She stated that the current Trustees were getting older and no longer wanted to act as landlords. They had decided to sell the rental properties that they owned. Ms Burr stated that the Trust owned 3 properties in the Dundee area. She stated that the email that had been submitted from Thorntons Law dated from May 2025 when they have been instructed in relation to the marketing and sale of the property.
5. Ms Burr stated that after the notice to leave had been served the letting agents had spoken to the respondent on the telephone. She had stated that would be seeking alternative housing from the local authority. Ms Burr stated that the property is a 2 bedroom second floor flat. She stated that the respondent resided with her primary school age child and was in receipt of benefits. Ms Burr stated that the respondent continued to reside in the property.

### **Findings in fact**

6. Parties entered into a private rented tenancy agreement with a commencement date of 20 December 2021.
7. The applicant is the owner of the property.
8. The current Trustees of Linton Discretionary Trust have decided to sell their rental properties.
9. The applicant has instructed Thorntons Law to market and sell the property.
10. The respondent resides in the property with her young child.
11. The respondent has not submitted any written defences or sought to oppose an order for eviction being granted.

### **Reasons for the decision**

12. Rule 17 (4) states:

*The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.*

13. Rule 18 states:

*Power to determine the proceedings without a hearing*

**18.—(1)** *Subject to paragraph (2), the First-tier Tribunal—*

*(a) may make a decision without a hearing if the First-tier Tribunal considers that—*

*(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and*

*(ii) to do so will not be contrary to the interests of the parties; and*

*(b) must make a decision without a hearing where the decision relates to—*

*(i) correcting; or*

*(ii) reviewing on a point of law,*

*a decision made by the First-tier Tribunal.*

*(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.*

14. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

15. Ground 1 states:

*(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.*

16. The Tribunal accepted Ms Burr's submissions that the applicant intended to sell the property. The submission was supported by a document showing that Thorntons Law had been instructed to sell the property. This was not disputed by the respondent.
17. The Tribunal took into account the information provided by Ms Burr. The Tribunal gave weight to the fact that the applicant's Trustees had decided to sell the property as they were getting older and no longer wished to be landlords.
18. The Tribunal gave careful consideration to the respondent's personal circumstances and the fact that she resided with her young child. Had the respondent sought to defend the application this would have been a significant factor. The Tribunal also took into account the information provided that the respondent intended to seek alternative housing from the local authority,
19. In light of the respondent's failure to attend the cmd or to oppose the application the Tribunal determined that on balance it was reasonable to grant an order.
20. The Tribunal determined that it was reasonable to suspend enforcement of the order until 7 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.**

**Mary-Claire Kelly**

**26 November 2025**

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**Legal Member/Chair**

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**Date**