



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/25/1919

Re: Property at 28a Long Lane, Broughty Ferry, Dundee, DD5 1ER ("the Property")

Parties:

Mr Bruce Ralph, 7 Invermark Terrace, Broughty Ferry, Dundee, DD5 2QU ("the Applicant")

Ms Jennifer Elder, 28a Long Lane, Broughty Ferry, Dundee, DD5 1ER ("the Respondent")

Tribunal Members:

Richard Mill (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an order for eviction be granted against the respondent

Introduction

1. This eviction application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order. Intimation of the application and of the Case Management Discussion ('CMD') was served upon the respondent by Sheriff officers on 30 October 2025.
2. The CMD took place by teleconference on 18 December 2025 at 10.00 am. The applicant was represented by Mr Allan Masterton, Solicitor. The respondent did not participate in the hearing. There has been direct communication between the Respondent and the Applicant's agents for some time. She reported the day before the hearing (17 December 2025) that she had secured alternative accommodation and was due to move into the property in early January 2026.

Findings and Reasons

3. The property is 28a Long Lane, Broughty Ferry, Dundee DD5 1ER. The applicant is Mr Bruce Ralph who is the heritable proprietor and registered landlord of the property. The respondent is Miss Jennifer Elber who is the tenant.
4. The parties entered into a short assured tenancy which was for an initial period between 1 December 2008 and 1 December 2009. Provision was made for the tenancy to continue monthly thereafter subject to termination by a minimum statutory notice period. An AT5 Notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
5. On 6 February 2025 the applicant served upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that she would require to remove from the property on or before 1 May 2025. Further, on 6 February 2025 the applicant served upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 1 May 2025.
6. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
7. The tribunal also requires to consider the reasonableness of the eviction order being granted. The applicant seeks to evict the respondent on the grounds that he intends to sell the let property. Due to the additional financial burdens of acting as a commercial landlord over recent years, it is no longer viable for the applicant to let the property. He is consolidating his assets.
8. The respondent is not opposed to the eviction. She has lived in the property for 17 years and lives in the property with her autistic son. She is a good tenant and always adhered to her obligations. She has now found alternative accommodation. A section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to Angus Council. The local authority is under a statutory duty to make suitable alternative accommodation available if this becomes necessary.
9. The tribunal concluded that it was reasonable to grant the eviction order.

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.

Richard Mill

18 December 2025

Legal Member/Chair

Date