



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/25/2920

Re: Property at 13 St. Edmund Terrace, Dundee, DD3 9NQ (“the Property”)

Parties:

Ms Heather Langlands, Mr Michael Martin Fouracre, 52 Sidlaw Gardens, Dundee, Angus, DD2 5RG; 52 Sidlaw Gardens, Dundee, DD2 5RG (“the Applicants”)

Mr Kenneth Vanderdeyl, 13 St. Edmund Terrace, Dundee, DD3 9NQ (“the Respondent”)

Tribunal Members:

Fiona Watson (Legal Member) and Mary Lyden (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order is granted against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

- Background
- 1. An application was submitted to the Tribunal under Rule 109 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the Rules”). Said application sought a repossession order against the Respondent on the basis of the Applicants’ intention to sell the Property, being Ground 1 under Schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016 (“2016 Act”).
- Case Management Discussion

2. A Case Management Discussion took place on 6 February 2026 by telephone call. The Applicant was represented by their letting agent, Ms Laura Wheelan of Rent Locally. There was no appearance by or on behalf of the Respondent. The application had been intimated on the Respondent by Sheriff Officer on 19 December 2025. The Tribunal was accordingly satisfied that the Respondent had been duly notified of the date and time of the CMD and that the CMD could proceed in the Respondent's absence.
3. A separate application by the Applicants seeking a payment order against the Respondent under Rule 111 of the Rules and under case reference FTS/HPC/CV/25/4744 was heard at the same time.
4. The Applicants' representative moved for the Order to be granted as sought. The parties had entered into a Private Residential Tenancy Agreement ("the Agreement"), which commenced 16 December 2019. The Applicants intended to sell the Property to fund their retirement and a move to England, and required vacant possession in order to do so. There is a mortgage over the Property and the payments are due to increase in October 2026. The Applicants wish to sell the Property in advance of then. They previously had seven rental properties and have been gradually selling these over the last few years before retirement. A Notice to Leave had been served on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act, on 8 April 2025.
5. It was submitted that the Respondent resides in the Property with his son, who is believed to be in his early twenties. He is also believed to have a younger son who resides elsewhere and visits the Property at weekends. The Respondent is believed to be self-employed. No rent has been paid since June 2025. Rent arrears have accrued in the sum of £4,375. The most recent contact from the Respondent was a couple of weeks ago when he asked for a further copy of the Notice to Leave to provide to Dundee City Council., On that basis it is hoped that he has been attempting to obtain alternative accommodation via the local authority.
6. The following documents were lodged alongside the application:
 - (i) Copy Private Residential Tenancy Agreement
 - (ii) Copy Notice to Leave
 - (iii) Proof of service of the Notice to Leave by recorded delivery
 - (iv) Section 11 notification to the local authority under the Homelessness etc. (Scotland) Act 2003
 - (v) Letter from Rosie Fraser Real Estate confirming instruction re appraisal of the Property for marketing for sale
- Findings in Fact
7. The Tribunal made the following findings in fact:

- (i) The parties entered into a Private Residential Tenancy Agreement which commenced on 16 December 2019;
- (ii) The Applicants are the heritable proprietors of the Property;
- (iii) The Applicants are entitled to sell the Property;
- (iv) The Applicants served a Notice to Leave on the Respondent on the basis of Ground 1 of Schedule 3 to the 2016 Act;
- (v) The Applicants have provided a letter of engagement from an estate agent regarding the marketing of the Property.

- Reasons for Decision

8. The Tribunal was satisfied that the terms of Ground 1 of Schedule 3 to the 2016 Act had been met, namely that the Applicants intend to sell the Property and intend to do so within 3 months of the Respondent ceasing to occupy it. The Tribunal was satisfied that a Notice to Leave had been served on the Respondent and which specified that ground, in accordance with the requirements of section 52 of the 2016 Act. The Tribunal was satisfied that the Respondent was a single man living with his adult son, and believed to be in self-employment. No response had been lodged by the Respondent opposing the application. It was hoped that given the terms of the most recent contact made, that he had sought advice from the local authority regarding his housing options. In all the circumstances, the Tribunal was satisfied that it was reasonable to grant the order.

- Decision

9. The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 under schedule 3 to the Private Housing (Tenancies) (Scotland) Act 2016.

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.

Fiona Watson

Legal Member/Chair:

Date: 6 February 2026