



**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/25/2340

Re: Property at 15 Mounthooly Place, Lerwick, Shetland, ZE1 0BL ("the Property")

Parties:

Mr Stuart Shearer, Mr Richard Williamson, Hayfield, Whalsay, Shetland, ZE2 9AN; 2 North Gardentown, Whalsay, Shetland, ZE2 9AD ("the Applicants")

Mrs Tasnim Ahmed Chowdhury, Mr Abdul Wahid, 15 Mounthooly Place, Lerwick, Shetland, ZE1 0BL ("the Respondents")

Tribunal Members:

Ms H Forbes (Legal Member) and Mr A Khan (Ordinary Member)

Decision (in absence of the Respondent)

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

Background

1. This is a Rule 109 application whereby the Applicants are seeking an eviction order under ground 1. The Applicants lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 12th February 2024, a notice to leave with evidence of service, a section 11 notice with evidence of service, and evidence of intention to sell.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondents by Sheriff Officer on 29th October 2025.
3. By email dated 7th November 2025, the Respondents stated:
 - 1 *we have applied for private housing but it's been very tricky to find accommodation as it's taken very quickly with over couple of dozens of people applying for one property*

2 we have spoken to our local housing officer Richard Douglas who will help us guide in getting a social house if we don't get any accommodations we're trying our best.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 22nd January 2026. The Applicants were in attendance. The start of the CMD was delayed to allow the Respondents to join, but they did not do so.
5. The Tribunal considered the terms of Rule 29. The Tribunal determined that the requirements of Rule 17(2) had been satisfied, and it was appropriate to proceed with the application in the absence of the Respondents.
6. The Applicant, Mr Williamson, explained that the Applicants purchased the Property as a buy to let around ten years ago, with an agreement that the Property would be sold if either required the capital from the Property. Mr Shearer has four small children and requires to build a family home. In order to do this, he requires to release his share of the equity in the Property. The Property, therefore, requires to be sold.
7. The Tribunal adjourned to allow the Applicants to contact their letting agent to obtain information on the Respondents’ circumstances.
8. The Applicants informed the Tribunal that there is one child under ten living at the Property. One of the Respondents is believed to be in employment. No health or social issues have been reported in respect of the Respondents. The Respondents have called the letting agent recently asking for updates on the procedure. They have stated that their housing officer cannot assist them unless an eviction order is granted. Mr Williamson confirmed there are no rent arrears.
9. The Tribunal adjourned to consider its decision.

Findings in Fact and Law

10.
 - (i) Parties entered into a private residential tenancy in respect of the Property which commenced on 12th February 2024.
 - (ii) Notice to leave has been served upon the Respondents.
 - (iii) The Applicants intend to sell the Property.
 - (iv) The Applicants are entitled to sell the Property.

- (v) The Applicants intend to sell the Property or at least put it up for sale within three months of the Respondent ceasing to occupy the Property.
- (vi) It is reasonable to grant an eviction order.

Reasons for Decision

- 11. Ground 1 of Schedule 3 of the Act provides that it is an eviction ground if the Landlord intends to sell the let property. The Tribunal may find that the ground is met if the landlord is entitled to sell the let property, intends to sell it for market value, or at least put it up for sale, within three months of the tenant ceasing to occupy it, and the Tribunal is satisfied that it is reasonable on account of those facts to issue an eviction order. The Tribunal is satisfied that ground 1 is met.
- 12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
- 13. The Applicants require to sell the Property to release capital for Mr Shearer to build a family home.
- 14. The Tribunal took into account the fact that there is a young child in the Property who may be affected by the granting of an eviction order. However, in the absence of any representations from the Respondents on this particular point, the Tribunal was unable to assess the likely outcome of the granting of an order upon the child. The Respondents did not appear to be opposing the granting of an order in their written representations, and they stated that they were in discussion with the local authority, which was corroborated by information from the letting agent. The Tribunal considered it likely that the Respondents will be treated as homeless and assisted in sourcing social housing if an eviction order is granted.
- 15. In all the circumstances, the Tribunal considered that a *prima facie* case in respect of reasonableness had been made out on behalf of the Applicants. It was incumbent upon the Respondents to attend the CMD or make representations to the Tribunal to indicate why an order should not be granted. The Tribunal considered it was reasonable to grant the order sought.

Decision

- 16. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 25th February 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.

Helen Forbes

Legal Member/Chair

22nd January 2026
Date