



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/25/3473

Re: Property at 4 Speirs Lane, Troon, KA10 7FY (“the Property”)

Parties:

Mr Jagjit Chodha, Mrs Rinku Chodha, Al Nahda Residential Complex Juma Al, Majid Building B Block, Shariah, 2410, United Arab Emirates (“the Applicant”)

Mrs Claire Ann Robb, Mr Iain Kennedy Robb, 4 Speirs Lane, Troon, KA10 7FY (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and Case Management Discussion (CMD) took place upon the respondents by Sheriff Officers on 11 February 2026.

The CMD took place by teleconference on 25 March 2026 at 2.00 pm. The applicants were represented by Mr Darren Murdoch of Waddell & Mackintosh. The respondents did not join the hearing.

Findings and Reasons

The property is 4 Speirs Lane, Troon KA10 7FY. The applicants are Rinku Chodha and Jagit Chodha who are the heritable proprietors of the property and the registered landlords. The respondents are Ian Robb and Claire Robb who are the tenants. The

parties entered into a private residential tenancy in respect of the property which commenced on 15 November 2024. The rent was £2,250 per month.

The applicants intend to live in the property and rely upon ground 4 of schedule 3 to the 2016 Act. The notice period was 84 days. The notice was dated 3 April 2025 advising that the earliest an application would be submitted to the tribunal would be 29 June 2025. Sufficient statutory notice was given.

The applicants are currently living in the UAE with their 7 year old daughter. They intend to return to Scotland and require the property as their primary home. They have lodged an affidavit confirming their intention to live in the property. Their intention to do so is unchallenged by the respondents. Evidenced medical testing of the applicants' daughter has indicated elevated levels of mycotoxins commonly associated with mould exposure believed to be associated with exposure at their current residence in the UAE.

The tribunal was satisfied on the basis of the credible and reliable evidence produced that it is the applicant's genuine intention to sell the let property. The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondents have not opposed the application. They are both in employment. They have no disabilities or vulnerabilities. They have children. They are the owners of an estate agency. They have placed a deposit on a new home. They have finances, professional resources and practical ability to secure alternative accommodation.

A Section 11 Homelessness notice has been issued to the local authority. The tribunal was satisfied that the respondents will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, 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

25 March 2026

Legal Member/Chair

Date