



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 section 51 of the Private Housing (Tenancies) (Scotland) Act 2016.

Chamber Ref: FTS/HPC/EV/25/4480

Re: Property at 10 Sandgate, Ayr, KA7 1BH (“the Property”)

Parties:

Mr Richard Dozie-Nwanna, Mrs Chioma Dozie-Nwanna, Plot S02 Cowrie Creek Estate, Lekki, Ikate, Lagos, Nigeria (“the Applicant”)

Mr Abu Azad Haque, 13 Clarke Avenue, Ayr, KA7 2XE (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the application for the order for possession should be granted.

Background

1. By application dated 16 October 2025 the applicants sought an order under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the Act”) and in terms of rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the procedure rules”). On 11 November 2025 the application was accepted by the Tribunal and referred for determination by the Tribunal.
2. A Case Management Discussion (CMD) was set to take place on 19 June 2026, and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

3. The CMD took place on 19 June 2026 via telephone case conference. The applicants were represented by Mr Raluchi Nwanna, Mr Richard Dozie-Nwanna's brother. The respondent did not take part. The Tribunal was satisfied that the respondent had received personal service of the application and details of the CMD by sheriff officers on 22 May 2026. As such the Tribunal decided to proceed with the CMD in the absence of the respondent.
4. The Tribunal heard from the applicants.
5. The Applicants purchased the property with a view to carrying out work on it to bring it up to a liveable standard and thereafter to rent it out. They did so. The Applicants do not live in the UK. They own one other property in the UK which is a one-bedroom property which they also let out. The property is a six-bedroom property. The Applicants and the respondent entered into a lease on 22 May 2025. The respondent entered into occupation of the Property and paid rent for May and June 2025. Thereafter the respondent ceased to pay the rent. The Applicants sent letters to the Respondent about the rent arrears, but no response was received. A Notice to Leave was served on 29 August 2025 by sheriff officers.
6. The Applicants have decided to sell the Property. It is not subject to a mortgage, but they wish to try and recover the sums they have spent on it. They are looking to sell the property as soon as possible. The non-payment of the rent has placed financial strain on the Applicants. They have been advised confidentially that the respondent is receiving rent for the Property taken from his employees' wages who are resident at the Property. The latest rent arrears statement was produced to the Tribunal and shows rent arrears of £26,950 as of 26 May 2026.

Findings in Fact

7. The Applicants are the registered owners of the property.
8. The Applicants are the landlord and the respondent the tenant in terms of the private residential tenancy entered into on 22 May 2025.
9. The agreed monthly rental payment was £2450.00.
10. The respondent is in arrears of rent in the sum of £26,950 as of 26 May 2026.
11. The Applicants have been advised that the Respondent is receiving rent for the Property from his employees but not making payment to the applicants.
12. The Applicants have contacted the respondent by letter about the arrears on more than one occasion but received no response.

13. On 29 August 2025 the applicants served upon the respondent a notice to leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act. Having regard to section 54 (3) (a) of the Act the relevant period of notice was given.
14. A notice was served on South Ayrshire Council by the applicants under section 11 of the Homelessness etc (Scotland) Act 2003 on 2 October 2025.
15. The applicants are entitled to sell the Property and intend to do so. The applicants have instructed Estate Agents to act on their behalf in connection with the sale.

Reasons for Decision

16. The Tribunal noted that the eviction was sought under and in terms of ground 1 of schedule 3 of the Act.
17. That ground is in the following terms:
 - “1. Landlord intends to sell
 - (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 the 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.”
18. The parties are the landlord and tenant of the property which is a private residential tenancy under the Act. A Notice to Leave was served on the respondent indicating that the applicant intended to seek an eviction order based on ground 1. The applicants are entitled to sell the property. The applicants produced a letter from their Estate Agents dated 25 August 2025 confirming their willingness to act on behalf of the applicants in the sale of the property and indicating that their terms and conditions would be issued under separate cover.
19. The Tribunal is satisfied that the applicants intend to sell or at least market the property at market value within 3 months of the tenant ceasing to occupy. The Tribunal accept the evidence of the applicants on that matter.
20. The Tribunal must also be satisfied that it is reasonable to grant the order. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.
21. The Tribunal find that it is reasonable to grant the order.

22. The Tribunal accepts that the Applicants are entitled to sell and wish to do so. The respondent is in arrears in respect of the rent in the sum of £26,950. The respondent has not made a payment towards the rent due in terms of the tenancy for a significant period of time in circumstances where the lease was only entered into in May 2025. The Respondent has made no contact with the Applicant about the arrears. The arrears are very high.
23. The respondent has not provided the Tribunal with any information as to his present circumstances. The Tribunal accept the evidence of the applicants that the respondent owns a business and that they believe he is allowing his employees to occupy the property and receiving rent from them while not paying the Applicants.
24. In all the circumstances it is reasonable to grant the order.
25. The Tribunal exercised the power within rule 17 of the procedural rules and determined that a final order should be made at the CMD.

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.

J. McKinlay

Legal Member

Date: 19/06/2026