



**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/25/5203**

**Re: Property at 30 Balbeggie Terrace, Dundee, DD4 8RL (“the Property”)**

**Parties:**

**Miss Maya Sever, 5 Longmoor Crescent, Cummingston, Elgin, IV30 4HE (“the Applicant”)**

**Miss Morgan Flynn, 30 Balbeggie Terrace, Dundee, DD4 8RL (“the Respondent”)**

**Tribunal Members:**

**Robert MacDonald (Legal Member) and Ahsan Khan (Ordinary Member)**

**Decision**

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the provisions of paragraph 1 of Schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) are met in this case.

The Tribunal therefore made an eviction order under section 51 of the 2016 Act. In terms of section 54(1) of the 2016 Act, the private residential tenancy between the parties will end on 31<sup>st</sup> August 2026.

**Background**

1. This is an application dated 1<sup>st</sup> December 2025 for an Eviction Order under Section 51 of the 2016 Act and Rule 109 of the First-tier Tribunal for Scotland (Housing and Property Chamber) (Rules and Procedure 2017) (“The Rules”). The Applicant relied upon ground 1 of Schedule 3 of the 2016 Act as the ground for eviction, namely that the Applicant intended to sell the property.
2. The application was accepted by the Tribunal as valid and referred to a Tribunal for determination. A Case Management Discussion (“CMD”) was set down to take place on 24<sup>th</sup> of June 2026 by teleconference. The Tribunal gave notice

of the CMD to the parties in accordance with Rule 17(2) of the Rules. The notice was served on the Respondent by Sheriff Officers on the 26<sup>th</sup> of May 2026.

3. The Tribunal invited the Respondent to make written representations in response to the application no later than 12<sup>th</sup> of June 2026. On 17<sup>th</sup> June 2026 representations were received from the Respondent's representatives, Dundee Law Centre.

### **The Case Management Discussion**

4. The CMD took place on the 24<sup>th</sup> of June 2026. The Applicant represented herself. Mr Kenneth Marshall, Solicitor, Dundee Law Centre, represented the Respondent who was also present.
5. The Tribunal had the following documents before it:-
  - a. Form E application form;
  - b. Land Certificate confirming that the property was owned by the Applicant;
  - c. Evidence that the Applicant was registered as a landlord;
  - d. A copy of a Private Residential Tenancy agreement between the parties;
  - e. A copy of the Notice to Leave and proof of delivery of the Notice to the Respondent on 8<sup>th</sup> September 2025;
  - f. Copy Section 11 Notice in terms of the Homelessness Etc (Scotland) Act 2003 and proof of delivery to the Local Authority on 26<sup>th</sup> November 2025;
  - g. Confirmation from Thorntons Solicitors that they would act as estate agents in the sale of the property.
6. The Tribunal heard submissions from the Applicant, and from Mr Marshall for the Respondent, supplemented by further information being provided by the Respondent direct.
7. The Applicant explained to the Tribunal that she had previously lived in this property before renting it out in 2024 when she had moved in with a partner. She had no other properties. Her relationship with her partner had broken down and she needed to find new accommodation. She wanted to sell the property and buy somewhere else to live. She required the equity from the property to purchase a permanent home. She considered that the Respondent had been aware that she was going to have to find alternative accommodation since the notice to leave was served on her in September 2025. She advised the Tribunal that the rent was not being paid in full. The rent was £950 per month and there was a shortfall of about £150 a month as the Respondent's Universal Credit payment did not meet the contractual rent payment. There was an arrear of almost £2000. She advised the Tribunal that she had now applied to the Tribunal for a payment order against the Respondent. She considered that it was reasonable for an order for eviction to be granted.

8. Mr Marshall advised the Tribunal that his client did not oppose the application, but that she required further time to find alternative accommodation. She was waiting to be rehoused by the local authority, and they would not make a decision until the Tribunal had made an order. She lived in the property with four children under the age of 16 years. She had health problems. She required a three bedroomed property. Mr Marshall had not been aware that there was an arrear as a result of shortfall on the rent every month until the Applicant advised the Tribunal of that point. The Respondent however was prepared to undertake to meet the additional payment every month while she remained in the property. She accepted that there were rent arrears but didn't know the exact extent of them. Mr Marshall advised the Tribunal that in his experience if there was insufficient time for the local authority to find alternative accommodation for the Respondent it was likely that the Respondent and her family would require to go into temporary local authority accommodation. His submission was that if the Tribunal delayed the earliest date for eviction until the end of September 2026, it was less likely that the Respondent would end up in temporary accommodation.
9. The Tribunal adjourned the Case Management to deliberate outwith the presence of the parties. After a brief adjournment, the Tribunal resumed the Case Management Discussion and confirmed the outcome.

### **Findings in Fact and Law**

10. The Applicant is the owner of the property in terms of a land certificate registered in the Land Register of Scotland under title number ANG65632. She is the landlord, and the Respondent is the tenant of the property in terms of a Private Residential Tenancy agreement which commenced on 2nd February 2024.
11. The Applicant sent a Notice to Leave as defined by Section 62 of the 2016 Act to the tenant by recorded delivery post on 4<sup>th</sup> September 2025, and it was received by the Respondent on 8<sup>th</sup> September 2025. The terms of the private residential tenancy agreement provided for service of such notices by post. In terms of the notice, the Respondent was advised that an application might be submitted to the Tribunal for an Eviction Order after 1<sup>st</sup> December 2025.
12. A notice in terms of Section 11 of the Homelessness Etc (Scotland) Act 2003 was sent on behalf of the Applicant to Dundee City Council on 26th November 2025.
13. The property was previously occupied by the Applicant.
14. The Applicant wishes to sell the property to enable her to purchase a new property to live in.
15. The Applicant does not own any other property.
16. There are significant rent arrears in respect of the property.
17. The Respondent's rent was being partially paid by Universal Credit. She had failed to make up the balancing payment.
18. The Respondent resides in the property with four children.
19. The Respondent suffers from ill health.

20. The Respondent was waiting to be rehoused by Dundee City Council who would not prioritise her application until an order was made at the Tribunal.
21. The Respondent did not oppose the application but sought an extension of the usual 30-day period until the 30<sup>th</sup> of September 2026 to allow the local authority to find her suitable alternative accommodation
22. It is reasonable to make an Eviction Order with the earliest date of eviction being 31<sup>st</sup> of August 2026.

### **Reasons for Decision**

23. The Tribunal was satisfied having considered all the documentary evidence and the submissions from the Applicant and the Respondent's agent at the CMD that it had sufficient information before it to make the relevant findings in fact and to enable it to reach a decision on the application. The order was not opposed by the Respondent.
24. The Tribunal was satisfied that the Applicant had complied with the statutory requirements in relation to service of a notice to leave on the tenant, and intimation on the local authority.
25. The Tribunal was satisfied that the Applicant intended to sell the property within three months of recovering possession to enable her to fund new accommodation for herself.
26. The Tribunal noted the extent of the rent arrears.
27. The Tribunal considered the Respondent's circumstances. The Tribunal was aware of her accommodation needs and the fact that the local authority would not consider her for priority housing until such time as an order was made by the Tribunal. The Tribunal considered that allowing the Respondent to remain in the property until the end of August 2026 at the latest would make it less likely that she would require to go into temporary accommodation.
28. The Tribunal considered whether it was reasonable to make an Eviction Order on account of the information available to it which required the Tribunal to identify the factors relevant to reasonableness and determine how much weight should be applied to them. The Tribunal attached considerable weight to the fact that the Applicant wanted to sell the property to enable her to fund the purchase of a new property, that there were significant rent arrears and that the Respondent did not oppose the granting of the order.
29. The Tribunal was satisfied that the provisions of paragraph 1 of Schedule 3 of the 2016 Act have been met in this case.
30. Having considered the factors relevant to reasonableness, the Tribunal concluded that it was reasonable for an order for eviction to be granted, but that the order cannot be enforced until 31<sup>st</sup> of August 2026 at the earliest date.

31. The decision of the Tribunal was unanimous.

### **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.**

Robert MacDonald

Robert MacDonald

24.6.26

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Legal Member/Chair

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Date