



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/25/5433

Re: Property at 5 Tyndall Crescent, Monifieth, Dundee, DD5 4QE (“the Property”)

Parties:

David Gates, 53 Ferry Road, Monifieth, Dundee, DD5 4NU (“the Applicant”)

Caroline Smith, 5 Tyndall Crescent, Monifieth, Dundee, DD5 4QE (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision

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

Background

1. An application was received by the Housing and Property Chamber dated 17th December 2025. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 12th May 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 16th June 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 2nd June 2026.
3. On 15th May 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 15th May 2026.

The Case Management Discussion

4. A CMD was held on 16th June 2026 at 2pm by teleconferencing. The Applicant was not present but was represented by Mr David Gray, Senior Accredited Paralegal, Gilson Gray LLP. The Respondent was present and represented herself.
5. Mr Gray said that the Applicant still requires to reside in the Property. He has one other property which he owns. His 25 year old daughter lives in it. She has ASD. She is a vulnerable adult who is recovering from addiction it would not be suitable for him to live there.
6. Mr Grey said that the Applicant is currently living with his elderly father and his fathers partner. He has lived there since he vacated the marital home for his ex wife to be able to recover possession of it as per the Minute of Agreement in terms of their separation. Living with his father and his father's partner is not suitable and is exacerbating the Applicant's medical conditions.
7. Mr Grey said it is the intention of the Applicant to live on his own in this Property. The Respondent said that it is a 3 bedroomed semi detached property.
8. The Tribunal noted that this ground is a no fault eviction ground. Mr Gray confirmed that he was not aware of any underlying issues with the tenancy.
9. The Respondent said that she is not opposed to the granting of an order. She has spoken to her local authority who have said that she will require a date for her eviction before she can be rehoused. She did recently apply for housing in Monifieth but was refused as she did not have a date for her eviction. She now just wants to progress with moving to her next property. She has nowhere to go until her local authority provide her with a new property.
10. The Respondent said that she lives with her daughter who is aged 20 years old and her son who is 16 years old. Her daughter is at college and her son at school. The Tribunal noted that if there was an order for eviction granted today then this would mean that she would be potentially evicted around the beginning of August. This may be better for her son and daughter to move in the holidays rather than when they have returned to studying. The Respondent agreed. The Tribunal did not look to supersede the extract of the order.
11. Mr Gray confirmed that if the Respondent is allocated a property before the eviction date that she should advise him or the Applicant. There is no need to provide a full notice period as long as either him or the Applicant are kept up to date with her position. The Respondent said that she would do that. She has not had any problems with the Applicant.
12. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

13. A Private Rented Tenancy Agreement commenced 1st May 2019.
14. The Applicant now requires to move into the Property. He had to move out of his marital home due to terms of his separation agreement. He is staying with his father and his father's partner on a temporary basis. It is not suitable for a long term basis.
15. The Applicant owns one other property. His daughter lives there. She is a vulnerable adult. It is not appropriate for him to live there.
16. There have been no tenancy issues noted.
17. The Respondent is not opposed to the granting of an order. The Respondent has spoken to her local authority housing department who will not rehouse her until an order for eviction has been granted.
18. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

Decision

19. The Tribunal found that ground 4 has been established and granted an order in favour of the Applicant.

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.

16th June 2026

Legal Member/Chair
Gabrielle Miller

Date