



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/26/0831

Re: Property at 3 Faulds Crescent, Montrose, DD10 8PT (“the Property”)

Parties:

Mr Lloyd Henderson, Mrs Jo Henderson, 24 Blackfriars Street, Montrose, DD10 8LL (“the Applicants”)

Mr Danny Snell, Mrs Carolyn Snell, 3 Faulds Crescent, Montrose, DD10 8PT (“the Respondents”)

Tribunal Members:

Lesley Ward (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

1. The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the tribunal”) determined that the Respondent shall be evicted from the property on the basis of ground 4 of part 3 of schedule 3 of the Private Housing (Tenancies)(Scotland) Act 2016 (landlord intends to live in the let property), and it being reasonable in all of the circumstances that the eviction be granted.

Background

2. This was a case management discussion (CMD) in connection with an eviction application in terms of rule 109 of the First-tier Tribunal for Scotland (Procedure) Regulations 2017 (the Rules) and section 52 of the Private Housing (Tenancies)(Scotland) Act 2016 (the Act). The Applicants attended and they were represented by Mr Ritchie McNeil of MML Law. The second named Respondent Mrs Snell attended.

3. The tribunal had before it the following copy documents:

- (1) Private Residential Tenancy Agreement dated 13 June 2023.
- (2) Notice to leave dated 28 October 2025.
- (3) Proof of service of the notice to leave.
- (4) Section 11 notice and proof of service.
- (5) Land certificate.
- (6) Evidence of landlord registration.
- (7) Email from Halliburton, Arbroath to Mrs Henderson dated 28 October 2025.

Case management discussion

The Applicants' position

4. Mr McNeil submitted that the Applicants are seeking an order for eviction as they both wish to live in the property. The Applicants have returned from the United States of America and Mrs Henderson has returned to her previous employment with Halliburton in Arbroath. They understand that the Respondents have sought advice from Angus Council and have been advised that an order for eviction will assist with the progress of the housing application.

5. The tribunal heard oral evidence from the Applicants that they have both secured employment in the area and are currently renting a property in Arbroath until the property becomes vacant. They both gave oral evidence that they intend to live in the property permanently.

The Respondents' position

6. Mrs Snell is not opposed to the eviction order. The Respondents have been actively looking for new accommodation since January 2026. They have been advised by Angus Council that an eviction order will help to expedite matters. The Respondents live in the property with their two children age 13 and 17. Both children have autism and additional needs, and Mrs Snell gave evidence that both children have a disability due to autism and one of her children also has a physical disability. Mrs Snell gave evidence that she also has a disability due to neurological difficulties and a cyst on her spine. The property has not been adapted for the families needs and Mrs Snell did not indicate that she requires an adapted property.

7. Findings in fact

- The Applicants are the owner and registered landlord of the property.
- The parties entered into a private residential tenancy agreement for let of the property on 13 June 2023.
- The Applicants moved back to the Montrose area around October 2025 and they have rented a property in Montrose.
- The Applicants have both taken up employment in the area.

- The Applicants intend to live in the property as their permanent and principal residence when the property becomes vacant.
- The Respondents were served with a valid notice to leave on 28 October 2025.
- The Respondents are not opposed to the eviction order.

Reasons

8. This was an undefended eviction application. The tribunal was satisfied that it had sufficient information before it to make a decision and the procedure had been fair. The tribunal was satisfied that the eviction ground was met as the Applicants both gave oral evidence of their intention to live in the property permanently given they have both returned from America to take up jobs in the Montrose area. They are renting a property until their property becomes vacant.

9. Being satisfied that the eviction ground was met, the tribunal went on to consider the reasonableness of granting the eviction. The Respondents are not opposed to the application. They have taken steps to try and secure alternative accommodation to meet their needs. Angus Council have told them that an eviction order will help to expedite matters.

10. The tribunal was satisfied it was reasonable in all of the circumstances 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.

L Ward

Legal Member

19 August 2026

Date

