Housing and Property Chamber
First-tier Tribunal for Scotland

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/25/5490

Re: Property at 71 Noran Avenue, Dundee, DD4 7LS ("the Property")

Parties:

Mr Daniel Hobbs, Mr Drew Hobbs, 66 Chapman Drive, Carnoustie, DD7 6DY ("the Applicant")

Miss Alaina Connelly, 71 Noran Avenue, Dundee, DD4 7LS ("the Respondent")

Tribunal Members:

Richard Mill (Legal Member) and Ann Moore (Ordinary Member)

Decision

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

<u>Introduction</u>

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) took place upon the respondent by Sheriff Officers on 23 June 2026.

The CMD took place by teleconference on 23 July 2026 at 2.00 pm. The applicant was represented by Ms Louise Todd of Louise Todd Property Management Ltd. The respondent joined and was represented by Mrs Rebecca Falconer at Dundee Law Centre.

<u>Findings and Reasons</u>

The property is 71 Noran Avenue, Dundee DD4 7LS. The heritable proprietor is Mr Drew Hobbs. The registered landlords are Mr Drew Hobbs and Mr Daniel Hobbs. They are brothers who inherited the property following the death of their father. The respondent is Ms Alaina Connelly who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 17 September 2023. The rent was stipulated at £650 per month.

The applicants rely upon ground 1 of schedule 3 to the 2016 Act. It is an eviction ground where the landlord intends to sell the let property. The notice period was one of 84 days. The notice to leave was dated 22 September 2025 and stipulated that the earliest an application be submitted to the tribunal would be 19 December 2025. It was emailed to the respondent on the day that it is dated. Sufficient statutory notice was given.

In support of the ground of eviction the applicant has produced a copy of a letter dated 15 August 2025 from their agents confirming instructions to sell the property. The applicants are seeing to exit the market as commercial landlords. They had no intention of acting as financial landlords but inherited this and another property from their deceased father. Their other property has already been sold. There has been a change in their overall personal and financial circumstances. The applicants' intention to sell the property is not challenged. 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 tribunal weighed up the respective circumstances and needs of the parties.

The eviction application is unopposed by the respondent. She is 41 years of age and works part time on a self-employed basis. She is a single parent of her 13 year old son who lives with her. She has some physical and mental health problems and is undergoing further assessments and testing.

The respondent is currently in rent arrears. As at the date of the hearing the arrears amount to £2,600. It is not reasonable to require the applicant to continue to make the property available in the absence of the rent being fully maintained.

A Section 11 Homelessness notice has been served on the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made. She has already engaged with the homeless team but further steps cannot be taken until an eviction order is granted.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order. The respondent asked that the time period for implementation be extended by an additional three months beyond the standard 30 day period. The tribunal found that this proposal was excessive and would be disproportionate. Taking into account the Respondent's personal circumstances the tribunal extended the period to 30 September 2026 which is reasonable and proportionate.

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

22 August 2026

Legal Member/Chair **Date**