

**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) A**

Chamber Ref: FTS/HPC/EV/25/4224

Re: Property at 43 Jamieson Street, Arbroath, DD11 2AY (“the Property”)

Parties:

**Mr Neil Black, Thada Home 234/8, Isan, Mueang, Buri Ram, Buriram, 31000,
Thailand (“the Applicant”)**

**Miss Sarah Roberts, 43 Jamieson Street, Arbroath, DD11 2AY (“the
Respondent”)**

Tribunal Members:

George Clark (Legal Member) and Angus Anderson (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that the application should be decided without a Hearing
and issued an Eviction Order against the Respondent.**

Background

1. By application dated 22 September 2025, the Applicant sought an Eviction Order against the Respondent under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Notice to Leave dated 26 June 2025 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 21 September 2025, and a letter of engagement with solicitor/estate agents dated 28 May 2025 confirming their instructions to market the Property and to carry out the necessary conveyancing procedures after the Applicant obtains vacant possession, The Applicant was unable to produce a copy of the Tenancy Agreement.
3. The Applicant stated that he intends to sell the Property in order to purchase a home for him and his family in Thailand. It had been his principal home

before the tenancy began. He originally went travelling for a year but now has a partner and two small children in Thailand. Knowing that he was about to go travelling, his sister told him that she knew of a friend who was desperately looking for a home for her family as they had had to move out of their rented property at short notice and were living as a family of six in a two-bedroom flat. He had felt sorry for them and had agreed to rent his home to them for a year to give them time to properly look for a suitable home. He had, however, later found out that they had been taken to the Tribunal for eviction as they had withheld rent for 16 months. The Respondent had now claimed that she had no knowledge of the fact that the Applicant was going travelling and that, as a result, the tenancy would only be for one year. She has refused to allow access to the Property and has refused to accept rent increases.

4. On 1 April 2026, the Tribunal advised the Parties of the date and time of a Case Management Discussion, and the Respondent was invited to make written representations by 22 April 2026.
5. On 1 May 2026, the Respondent made written representations to the Tribunal. She stated her view that the Applicant had no real intention of selling and that the application was motivated by her refusal to accept a second rent increase in three months, when he was only entitled to raise the rent once a year. She had agreed to an increase in May 2024, but the Applicant had sought to impose another one in August 2024. She attached screenshots of a considerable number of messages passing between the Parties, the tone of which indicated that the relationship had broken down. She advised the Tribunal that she has a seriously disabled son and would not have agreed to a tenancy being for only 12 months. She needed somewhere stable and long term. She also raised issues regarding repairs and the tenancy deposit, which the Tribunal did not regard as relevant to the present application. She accepted that she had refused access to the Applicant but contended that she felt intimidated and harassed by his behaviour.
6. On 8 May 2026, the Respondent provided a copy of an email from Angus Council in which they advised her that until the case had been heard by the Tribunal and an Eviction Order granted they were unable to offer her additional priority on her Angus Home Finder account. They advised her against leaving when the Notice to Leave expired as, if she chose to do so, she risked making herself intentionally homeless and the Council might not have a duty to provide housing.
7. The Applicant made further representations on 8 May 2026, but these related to matters not relevant to the present application, namely rent increases, repairs, access and the tenancy deposit.
8. A Case Management Discussion, scheduled for 14 May 2026 was postponed at the request of the Respondent, as she was to be on holiday on that date.

First Case Management Discussion

9. The first Case Management Discussion was held by means of a telephone conference call on the morning of 22 June 2026. The Applicant was present. The Respondent was not present or represented.
10. The Applicant told the Tribunal that the tenancy commenced in June 2022. The rent had been increased by £50 to £750 per month in May 2024 and in August 2024 he wanted a further increase of £150 per month to reflect rent increases in the area. He confirmed that he has four other properties in Arbroath, but these are all two-bedroom and worth considerably less than the present Property. It is his biggest asset, and he needs to sell it in order to reinvest, as he has too much money tied up in it.
11. The Tribunal noted that, despite having stated in her written representations that she would be representing herself at the Case Management Discussion, the Respondent had chosen not to attend or to be represented and that, as a consequence, the Tribunal was unable to seek her views on the outcome she wished or on the impact on her and her family of any Eviction Order or to find out what steps if any, she had taken to secure alternative accommodation.
12. The Tribunal was not, however, satisfied from the evidence before it that it was able to decide the application without further procedure. In particular, the Tribunal noted that, whilst the application stated that the Applicant intended to sell the Property in order to be able to purchase a house in Thailand for his family, he had indicated at the Case Management Discussion that he needed to sell in order to reinvest, which raised the possibility that the free proceeds might not be used to fund a purchase in Thailand. This was a matter which might have a bearing on the Tribunal's decision on whether it would be reasonable to issue an Eviction Order.
13. The Tribunal decided that the case should be continued to a further Case Management Discussion. This would enable the Applicant to provide any further information, financial or otherwise, he wished the Tribunal to consider regarding his intentions in relation to the free proceeds of any sale of the Property, and the Respondent to make any further submissions she wished the Tribunal to take into account in deciding whether it would be reasonable to issue an Eviction Order against her. If she failed to make any further submissions and did not attend or arrange to be represented at the continued Case Management Discussion, the Tribunal might decide that this indicated that she does not object to such an Order being made.
14. The Tribunal advised the Parties to note that the present Tribunal was not concerned with and would not consider representations regarding the state of repair of the Property, rent increases, the tenancy deposit or any difficulty experienced by the Applicant in gaining access for inspections or repairs. There are separate procedures available to the Parties by way of applications to the Tribunal in relation to all of those issues, and the present

Tribunal did not regard them as having any bearing on the decision it will ultimately make on the application for an Eviction Order.

15. The Applicant made further representations to the Tribunal on 29 July 2026, mainly regarding the Respondent's lifestyle. He stated that he needed to sell the Property to support his family. His mental health was declining, and he just needed to move on and support his two little girls.

16. The Respondent did not make any further representations to the Tribunal.

Second Case Management Discussion

17. A second Case Management Discussion was held by means of a telephone conference call on the morning of 24 August 2026. The Applicant was present. The Respondent was not present or represented.

18. The Applicant told the Tribunal that in Thailand, for visa purposes, he needed to have a certain amount of money lodged in his bank there, and the sale proceeds would meet that requirement. Other than that, he had nothing to add to the representations he had already made.

Reasons for Decision

19. Although the Tribunal had not been provided by either Party with a copy of the tenancy agreement, it was satisfied from the evidence of the Applicant that it commenced in June 2022 and is, therefore, a Private Residential Tenancy Agreement governed by the Private Housing (Tenancies) (Scotland) Act 2016.

20. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.

21. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

22. Rule 17 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it sufficient information to enable it to determine the application without a Hearing.

23. The Tribunal was satisfied that the Applicant intends to sell the Property. Accordingly, the only decision remaining was whether it would be reasonable to issue an Eviction Order.

24. The Tribunal was very disappointed that, having stated in her written representations that she would be representing herself at the Case Management Discussion, the Respondent had chosen not to attend or to be represented at either Case Management Discussion. and that, as a consequence, the Tribunal had no information from her to consider in arriving at a decision as to whether it would be reasonable to issue an Eviction Order. The view of the Tribunal was that she had been afforded ample opportunity to provide information regarding her and her family's circumstances and, if she was opposing the application, to state why it would not be reasonable to issue an Eviction Order. Her written representations had focused on matters which the Tribunal could not consider, namely proposed rent increases, the condition of the Property and tenancy deposit issues.

25. Having considered carefully all the evidence, written and oral, before it, the Tribunal decided that it would be reasonable to issue an Eviction Order against the Respondent.

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.

G Clark

Legal Member/Chair

24 August 2026
Date