

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 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 ("The Act")

Chamber Ref: FTS/HPC/EV/26/1161

Re: Property at 12d Love Lane, Peterhead, Aberdeenshire, AB42 1PT ("the Property")

Parties:

Mr Mark Chalmers, 39 Kirktown St Fergus, Peterhead, Aberdeenshire, AB42 3DB ("the Applicant")

Mr Osamede Aigbekaen, 12d Love Lane, Peterhead, Aberdeenshire, AB42 1PT ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Donald Wooley (Ordinary Member)

Decision (in absence of the Respondent)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. An explanation is also provided about why the Applicant wishes to sell the Property- he wishes to relocate to Australia.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 10 September 2026. The Applicant was personally present. There was no appearance by or on behalf of the Respondent. On the basis that the Respondent had

received notice of the CMD and information about how to join the call by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondent. The Applicant had no preliminary matters to raise. Having heard from the Applicant, the Tribunal made the following findings in fact.

Findings in Fact

- A. The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement within the meaning of the Act;*
- B. The Applicant now wishes to sell the Property on account of a desire to relocate abroad.*
- C. The Applicant has competently served a notice to leave under ground 1 on the Respondent;*
- D. The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- E. The Respondent has not engaged with the Tribunal process.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted the Application.

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.

A McLaughlin

Legal Member/Chair

10 September 2026
Date

