



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/26/0671

Re: Property at 63 Ugie Street, Peterhead, Aberdeenshire, AB42 1NX ("the Property")

Parties:

Mr Iain Rodger, 31G Seaforth Road, Aberdeen, AB24 5PW ("the Applicant")

Mr Patrick Smith, 63 Ugie Street, Peterhead, Aberdeenshire, AB42 1NX ("the Respondent")

Tribunal Members:

Hilary Macandrew (Legal Member) and Elaine Munroe (Ordinary Member)

Decision

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

1) Background

- 1.1 By Application dated 9th February the Applicant sought an order under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 28th April 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 13th August 2026.
- 1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Private Rental Tenancy agreement
- Notice to Leave ('NTL') and proof of service
- Section 11 Notice
- Correspondence confirming the instruction of an estate agent

- 1.5 The Respondent lodged a detailed written Submission setting out his position in advance of the CMD.
- 1.6 A Case Management Discussion was set to take place on 23 September 2026. Intimation was given to the Respondent by Sheriff Officers on 13 August 2026.

2) The Case Management Discussion ('CMD')

- 2.1 The CMD took place by tele conference on 23rd September 2026. The Applicant took part personally. The Respondent took part personally.
- 2.2 The Applicant sought the Eviction Order based on Ground 1 of Schedule 3 of the Act.
- 2.3 The Private Residential Tenancy agreement discloses a commencement date of 1st January 2021 at a monthly rent of £500 per month.
- 2.4 The Applicant is seeking recovery of possession as he wishes to sell the property. He explained that the property is a semi detached house on two levels with a garden. He has other business interests on which he wishes to focus. He no longer wishes to be a land lord. He has instructed a local solicitor estate agent to market the property for sale.
- 2.5 The Respondent stated in his detailed written submission and at the CMD that he wishes to leave the property. He has health problems which make it difficult for him to continue to live in a property on two floors with a garden. He is not opposing the Application. He has made enquiries of the local authority for housing. He has been told that unless he has an Eviction Order, they cannot help him in securing another property. He does not oppose the grant of the Eviction Order.
- 2.6 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 CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

3) Findings in Fact and Law

- 3.1 The Tenancy agreement is a Private Rental Tenancy Agreement which commenced on 1st January 2021.

- 3.2 On 16th September 2025 the Applicant served Notice to Leave on the Respondent under Ground 1 of Schedule 3 to the Act. The Notice to Leave became effective from 1st February 2026. The Notice was correctly drafted and provided sufficient Notice.
- 3.3 The Applicant wishes to sell the property. He requires to sell the property to focus on other business interests. He no longer wishes to be a land lord. He has instructed a local firm of Solicitor Estate Agents to market the property once vacant.
- 3.4 The Respondent does not oppose the Application. He requires an Eviction Order for the Local Authority to progress his application for housing.
- 3.5 The basis for the Order for possession was accordingly established.

4) Issue For The Tribunal

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. He has demonstrated a need for selling the property and he has instructed an estate agent. The Respondent does not oppose the Application. He has actively sought alternative housing.
- 4.4 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

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.

H Macandrew

Legal Member/Chair

23rd September 2026

Date