

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/25/3951

Re: Property at 55H Milnbank Road, Dundee, DD1 5PY ("the Property")

Parties:

Mr Benjamin Charles Cole, t/a BC Properties, The Steadings, Easter Friarton, Newport-On-Tay, DD6 8RB ("the Applicant")

Mr Kevin Martin, 55H Milnbank Road, Dundee, DD1 5PY ("the Respondent")

Tribunal Members:

Andrew McLaughlin (Legal Member) and Ahsan Khan (Ordinary Member)

Decision

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") granted the Application and made an Eviction Order subject to the provision that the order may not be enforced before 18 January 2027.

Background

[2] The Applicant seeks an Eviction Order under ground 13 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. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Hearing

[3] The Application called for a hearing in person at Endeavour House, Dundee at 10 am on 14 October 2026. The Applicant was represented by Mr Gordon, solicitor. The Respondent was present together with his solicitor, Mr Marshall of Dundee Law Centre. The Application was initially opposed and the Tribunal commenced hearing evidence. However, during a break, the parties reached an agreement and confirmed that they had agreed that the Tribunal should make an Eviction Order subject to the provision that the order may not be enforced before 18 January 2027.

[4] Having heard from parties and having considered the Application, the Tribunal made the following findings in fact.

Findings in Fact

1. *The Applicant let the property to the Respondent by virtue of a Private Residential Tenancy Agreement;*
2. *The Applicant competently served a notice to leave under ground 13 on the Respondent;*
3. *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
4. *Ground 13 of Schedule 3 of the Act was established at the date of service of the notice to leave and also at today's date.*
5. *It is reasonable that the Tribunal grants an Eviction Order and parties have agreed that the Tribunal should grant the order sought subject to the provision that it is not enforced before 18 January 2027.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal considered that ground 13 of Schedule 3 of the Act was established and that it was reasonable to grant 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.

Andrew McLaughlin

Legal Member/Chair

14 October 2026

Date