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 Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act")

Chamber Ref: FTS/HPC/EV/26/1864

Property at 7 Anderson Place, Carnoustie, DD7 7HU ("the Property")

Parties:

Mohammed Shuayb Ashraf, 18 Tommy Armour Place, Carnoustie, DD7 7TQ ("the Applicant")

Muhammed Akram Chohan, 7 Anderson Place, Carnoustie, DD7 7HU ("the Respondent")

Tribunal Members:

Josephine Bonnar (Legal Member) and Nicholas Allan (Ordinary Member)

Decision - in absence of the Respondent

The First-tier Tribunal for Scotland (Housing and Property Chamber) ("the Tribunal") determined that an eviction order should be granted against the Respondent in favour of the Applicant.

Background

1. The Applicant lodged an application for an eviction order in terms of Section 51 and Ground 1 of schedule 3 of the 2016 Act. A tenancy agreement, Notice to leave, evidence of the intention to sell and a section 11 notice were lodged with the application.

2. A copy of the application was served on the Respondent by Sheriff Officer. The parties were notified that a case management discussion ("CMD") would take place by telephone conference call on 22 October 2026 at 2pm and they were required to participate. Prior to the CMD, the Applicant's representative lodged written submissions. These stated that the Respondent and Applicant are related. The tenancy started in 2018, and the property is occupied by four people. The Respondent is self employed and also receives Universal Credit.

There are no known vulnerabilities ot disabilities affecting any member of the household. The last contact between the parties was in December 2025. The Applicant is employed as an electrician, and the property is his only rental. Currently the Applicant lives with his father but has been asked to move out. He intends to sell the property or move into it. He is experiencing financial hardship as there has been no rent paid since January 2026.

3. The CMD took place on 22 October 2026. The Applicant was represented by Mr Gray. The Respondent did not participate and was not represented. He did not contact the Tribunal in advance of the CMD.

Summary of Discussion at CMD

4. Mr Gray told the Tribunal that the Respondent is still in occupation of the property. He said that the Applicant intends to sell the property but will move into it if he cannot get it sold. The Applicant does not know who the other three occupants of the property are, but they are part of the Respondent's household. The property is not an HMO. It is also understood that there are no children in the house. The Respondent is believed to be self employed and receives UC housing costs to assist with the rent. However, no rent has been paid since January 2026. The relationship between the parties has broken down and there has been no recent communication between them.

Findings in Fact

5. The Applicant is the owner and landlord of the property.

6. The Respondent is the tenant of the property in terms of a private residential tenancy agreement.

7. The Applicant intends to sell the property as he requires the proceeds of sale to provide himself with accommodation

8. The Respondent lives at the property with three other adults.

9. The Respondent stopped paying rent in January 2026. This is causing financial hardship for the Applicant

10. The Respondent did not attend the CMD and has not advised the Tribunal whether the application is opposed.

11. The Applicant served a Notice to leave on the Respondent on 26 January 2026.

Reasons for Decision

12. The application was submitted with a Notice to Leave dated 22 January 2026 together with a Sheriff Officer certificate of service which establishes that it was

served on 26 January 2026. The Notice states that an application to the Tribunal is to be made on ground 1, the landlord intends to sell the let property. The application to the Tribunal was made after expiry of the notice period. The Tribunal is satisfied that the Applicant has complied with Section 52(3), 54 and 62 of the 2016 Act. The Applicant also submitted a Section 11 Notice with evidence that it was sent to the relevant Local Authority. The Tribunal is therefore satisfied that the Applicant has complied with Section 56 of the 2016 Act.

13. Section 51(1) of the 2016 Act states, "The First-tier Tribunal is to issue an eviction order against the tenant under a private residential tenancy, if, on the application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies."

14. Ground 1 of schedule 3 (as amended) states, "(1) It is an eviction ground that the landlord intends to sell the let property. (2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if the landlord – (a) is entitled to sell the let property, (b) 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 (c) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of those facts."

15. From the documents submitted and the information provided at the CMD, the Tribunal is satisfied that the Applicant intends to sell the property. Part 1 of Ground 1 is therefore established.

16. The Tribunal proceeded to consider whether it would be reasonable to grant the order and noted the following: -

(a) The Applicant is selling the property as he needs to move out of his present accommodation.

(b) The Respondent has not indicated whether the application is opposed.

(c) The property is occupied by four adults.

(d) The Respondent has incurred arrears of rent and has not paid rent since January 2026. This has caused financial hardship for the Applicant.

17. The Tribunal concludes that the Applicant has complied with the requirements of the 2016 Act and that ground 1 has been established. For the reasons outlined in paragraph 16 the Tribunal is also satisfied that it would be reasonable to grant the order for eviction.

Decision

18. The Tribunal determines that an eviction order should be granted 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.

Josephine Bonnar

Josephine Bonnar, Legal Member **6 November 2026**