



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 33 of the Housing (Scotland)
Act 1988**

Chamber Ref: FTS/HPC/EV/23/1682

**Re: Property at 13 Corran Gardens, Broughty Ferry, Dundee, DD5 3EH (“the
Property”)**

Parties:

**Mr Bradley Sutherland, 30 Swinburne Road, Putney, London, SW15 5EB (“the
Applicant”)**

**Mr Mark Dolan, Mrs Jay Dolan, 13 Corran Gardens, Broughty Ferry, Dundee,
DD5 3EH (“the Respondents”)**

Tribunal Members:

Richard Mill (Legal Member) and Sandra Brydon (Ordinary Member)

Decision

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that an eviction order be granted against the respondents**

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers on 1 August 2023.
2. The CMD took place on 30 August 2023 at 2.00 pm by teleconference. The applicants were represented by Ms Lynn McIntosh of Angus Glen Properties Ltd. The respondents joined the hearing personally and represented their own interests.

Findings and Reasons

3. The property is 13 Corran Gardens, Broughty Ferry, Dundee DD5 3EH. The applicant is Mr Bradley Sutherland. He and his sister Mrs Wendy Sutherland are the heritable proprietors and registered landlords of the property. The respondents are Mr Mark Dolan and Mrs Jay Dolan who are the tenants.
4. The parties entered into a short assured tenancy which first commenced on 22 November 2016 for an initial period of 6 months. An AT5 notice under section 32 of the 1988 Act was served on the respondents prior to the creation of the tenancy.
5. On 20 March 2023 the applicant served upon the respondents a notice to quit. In the terms of the said notice to quit, the applicant gave notice to the respondents that they would require to remove from the property on or before 22 May 2023. Further, on 20 March 2023 the applicant served upon the respondent notice under Section 33(1)(d) of the Housing (Scotland) 1988 stating that possession was required of the property as at 22 May 2023. Sheriff Officer executions of service evidence delivery of the notices upon the respondents on 20 March 2023.
6. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988. The tribunal proceeded to consider the reasonableness of the eviction order being granted.
7. The applicant seeks to evict the respondents on the grounds that he intends to sell the let property. The reason for this is for the purpose of releasing funds to purchase a home for a family member who has a child with additional support needs.
8. They are the parents of five children, four of which are dependent upon them. They have no known disabilities or other vulnerabilities. The respondents are not opposed to the eviction application. They are actively seeking alternative accommodation but as yet have been unable to source anything suitable. In addition they have found the private sector to be unaffordable. They require an eviction order to enable them to obtain priority in obtaining local authority accommodation.
9. A section 11 notice under the Homelessness etc (Scotland) Act 2003 has been issued to Dundee Council. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available.
10. The tribunal concluded that it was reasonable to grant the eviction order.

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.

R. Mill

30 August 2023

Legal Member/Chair

Date