



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/24/4596

Re: Property at 14 Eassie Terrace, Dundee, DD2 2EJ (“the Property”)

Parties:

Mr Philip Mulholland, 19 Osprey Road, Dundee, DD2 5GA (“the Applicant”)

Mr Ryan Mulholland and Miss Nichola Carroll, both 14 Eassie Terrace, Dundee, DD2 2EJ (“the Respondents”)

Tribunal Members:

George Clark (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that it could decide the application without a Hearing and that it was reasonable to issue an Eviction Order against the Respondent.

Background

1. By application dated 3 October 2024, the Applicant sought an Eviction Order against the Respondents under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”). The Ground relied on was Ground 1 of Schedule 3 to the 2016 Act, namely that the landlord intends to sell the Property.
2. The application was accompanied by copies of a Private Residential Tenancy Agreement between the Parties, which commenced on 1 November 2023 at a rent of £750 per month, and a Notice to Leave dated 21 June 2024 advising the Respondent that an application to the Tribunal under Ground 1 would not be made before 16 September 2024. The Applicant also provided the Tribunal with copies of letters of engagement in respect of the estate agency and conveyancing related to the proposed house sale, and rent statements showing arrears of rent.

3. At a Case Management Discussion held on 13 May 2025, the Respondents advised the Tribunal that they wished time to obtain legal advice and, as some of the facts were disputed, the Tribunal decided to hold a full evidential Hearing and issued Directions to the Parties.
4. Shortly before the Hearing date, scheduled for 9 October 2025, the Tribunal was advised that the Applicants would be in Cyprus on that date and would be giving evidence by telephone link from there. There is, however, no agreement between the UK and Cyprus Governments permitting anyone in Cyprus from voluntarily giving evidence by video or telephone link to a Court or Tribunal in the UK. This information was communicated to the Applicants' solicitors.
5. The Hearing commenced on the morning of 9 October 2025. The Applicants were represented by Miss Rosie Seaward of Ennova Law, Dundee. Both Respondents were present.
6. The Applicants' solicitor asked that the Hearing be postponed, as the Applicants would not be able to give evidence from Cyprus. The Respondents, however, stated that it was their wish that the application should be decided as quickly as possible, as they had been told by Dundee City Council that they would not be considered for a council house unless they had an Eviction Order. They were not opposing it and added that their daughter, who lives with them, is expecting a baby in mid-December, so their family situation was urgent and they wanted to be able to go back to the Council as soon as possible.
7. The Tribunal decided to convert the Hearing into a Case Management Discussion. The Tribunal stressed to the Respondents that if they were in any doubt about the course of action they wished the Tribunal to take, namely to determine the application at the Case Management Discussion, the Tribunal would order a postponement to a later date. The Respondents made it clear that they wished the matter to be dealt with today.

Reasons for Decision

8. 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 Case Management Discussion 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.
9. Section 51 of the 2016 Act states that the Tribunal is to issue an Eviction Order against the tenant under a Private Residential Tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in Schedule 3 to the 2016 Act applies.
10. Ground 1 of Schedule 3 to the 2016 Act provides that it is an eviction ground that the landlord intends to sell the let property and that the Tribunal may find

that Ground 1 applies if the landlord is entitled to sell and 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 the Tribunal is satisfied that it is reasonable to issue an Eviction Order on account of those facts. Ground 1 goes on to state that evidence tending to show that the landlord has that intention includes (for example) a letter of engagement from a solicitor or estate agent concerning the sale, or a recently prepared Home Report.

11. The Tribunal was satisfied from the written evidence provided by the Applicant and the estate agents' and conveyancing solicitors' letters of engagement, that the Applicant intends to sell the Property. Accordingly, the only matter for the Tribunal to decide was whether it would be reasonable to issue an Eviction Order.
12. The Tribunal noted from written submissions, which include an Affidavit from the Applicant dated 25 June 2025, that the Applicant wishes to exit the residential rental market, that the Property is the only residential property that he lets out and that he has instructed estate agents and solicitors in respect of its sale. The Tribunal also noted that the Respondents have been in contact with Dundee City Council with a view to being rehoused and that they do not oppose the application. Their family situation is urgent, and they stated that the Council would not help them unless they had an Eviction Order with an enforcement date.
13. Having considered carefully all the evidence before it and the representations of the Respondents, the Tribunal decided that it would be reasonable to issue an Eviction Order.
14. The Tribunal's decision was unanimous.

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.

George Clark

Legal Member/Chair

9 October 2025
Date

