



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/25/1211

Re: Property at 9 Glenclova Terrace, Dundee, DD3 8DP (“the Property”)

Parties:

Neil Thomson, Carole Thomson, 14 Logan Terrace, Dundee, DD3 0ST (“the Applicant”)

Rebecca Lindsay, 9 Glenclova Terrace, Dundee, DD3 8DP (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Elizabeth Dickson (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant. The Order is superseded until 31st January 2026.

Background

1. An application was received by the Housing and Property Chamber dated 19th March 2025. The application was submitted under Rule 109 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016 namely that the Applicant wishes to sell the Property.
2. On 11th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th September 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 1st September 2025.

3. On 12th August 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 12th August 2025.
4. On 20th August 2025, the Respondent's solicitor emailed the Housing and Property Chamber advising that the granting of an order was not opposed but that it was motioned that order extract be superseded until she was able to move into her new property. This was sent on to the Applicant.
5. On 21st August 2025, the Applicant's legal representative emailed the Housing and Property Chamber stating grounds of reasonableness in terms of granting an order for eviction. This was sent on to the Respondent.

The Case Management Discussion

6. A CMD was held on 18th September 2025 at 2pm by teleconferencing. The Applicant was not present but was represented by Mr David Gray, Accredited Paralegal, Gilson Gray LLP. The Respondent was present and was represented by Mr Kenneth Marshall, Principal Solicitor. Ms Kenyah Gowrie was present as moral support for the Respondent but took no part in the CMD. Ms Bromwyn Donaldson, Housing Support Worker was present. The Respondent left the CMD approximately halfway through the CMD.
7. Mr Gray said that the Applicant was still seeking an order for eviction as requested.
8. Mr Marshall said that the Respondent has been offered a property by Dundee City Council. She was offered the Property on 19th March 2025. However, it is not in a habitable condition. The Respondent currently believes that it will be the end of January 2026 before she can move into it. While she is not opposed to an order being granted he motioned that the order be superseded until 31st January 2026 to allow her new property to be ready.
9. The Respondent said that she was given the keys on the day that she was offered the new property. However, there was damp and mould. She could not live in it. Dundee City Council agreed to undertake repairs. The plastering needs to be done and it needs to be decorated. She is a single parent with health issues. She cannot manage it on her own. The Respondent then left.
10. Ms Donaldson said that she has never known a property to take so long to be ready. She is to meet the Respondent and her housing officer at the new property tomorrow to assess the amount of work still to be undertaken. She believes some of the walls have been plastered but others not. Ms Donaldson said that she has heard Dundee City Council are struggling to obtain enough tradesmen to undertake all of their requirements with many void properties unable to be allocated due to the outstanding repairs. Ms Donaldson said that she would hope that all the works would be completed in the Respondent's new property by the end of January 2026. Although the Respondent has access to the Property, as it is uninhabitable Dundee City Council have put a stop on the rent charge. This means that her Universal Credit entitlement is meeting the rent charge at the Applicant's property. The Tribunal discussed when the

Respondent will move in as this may have an impact upon the Applicant if her Universal Credit entitlement moves to her new property as this may affect their decision in terms of superseding the Order extract. Ms Donaldson said that she will move into it once it is habitable and get help in terms of the decoration. Ms Donaldson also told the Tribunal that the Respondent has significant mental health issues. She is greatly concerned what will happen if the Respondent was evicted in a month at end of the appeal period when it is unlikely that her new property will be ready. Dundee City Council are aware of this case and it has still not created an urgency on their part to complete the repairs. The Respondent has had a mental health crisis in recent months. She has a CPN appointed to her.

11. Mr Gray acknowledged the Respondent's difficult situation and sympathised with the issues that she was facing but that the Applicant still sought an order for eviction. The mortgage on the Property is £190 per month. The rent was late last month but has spoken to Mr Marshall and it is to be paid. Mr Marshall said that it was in connection to a new Universal Credit claim when the Respondent's partner left. It required to be processed and caused a delay with payment. Mr Gray noted that there was a five month period after the Notice To Leave was issued that no payments were received. Direct Payments were sought from Universal Credit at that point. He is concerned that if the Respondent is given her new property in a habitable condition that she will have an overlap of two properties at once while it is decorated. This would potentially mean that Universal Credit could stop on this property. Mr Marshall said that the Respondent is keen to move into her new property as soon as possible. He did not envisage this being an issue.
12. The Tribunal was satisfied that it was reasonable to grant an order for eviction particularly as it was unopposed. However, that the order extract should be superseded until 31st January 2026 to allow the Respondent to move into her new property. The Tribunal took into account the Respondent's mental health issues when reaching this decision.

Findings and reason for decision

13. A Private Rented Tenancy Agreement commenced 30th December 2021.
14. The Applicants wish to sell the Property as they are winding down their property portfolio.
15. The Respondent has been given a property by Dundee City Council. This property is not yet habitable. It requires to have the plastering finished. The Respondent will move into this new property once it is habitable.
16. The Respondent has significant mental health issues which is exacerbated by stress.
17. The Respondent does not oppose an order being granted.

18. There are no issues of reasonableness that prevent an order from being granted.

Decision

19. The Tribunal found that ground 1 has been established and granted an order in favour of the Applicant.

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.

Gabrielle Miller

18th September 2025

Legal Member/Chair

Date