

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

Chamber Ref: FTS/HPC/EV/25/5392

Re: Property at 31 (6/L) City Road, Dundee, DD2 2BP (“the Property”)

Parties:

Mr Andrew Herd, c/o Michael A Brown Solicitors, 17 South Tay Street, Dundee, DD1 1NR (“the Applicant”) and

Michael A Brown Solicitors, 17 South Tay Street, Dundee DD1 1NR (“the Applicant’s Representative”) and

Mr Warren Duncan, 31 (6/L) City Road, Dundee, DD2 2BP (“the Respondent”)

Tribunal Members:

G McWilliams: Legal Member

T Cain: Ordinary Member

Decision in absence of the Respondent:

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determines to grant an eviction order.

Background

1. This is an Application for an eviction order in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).

Case Management Discussion

2. A Case Management Discussion (“CMD”) proceeded by remote tele-conference call at 10am on 30th June 2026. The Applicant’s Representative’s Mrs A Reid attended. The Respondent, Mr Duncan, did not attend and was not represented. The Tribunal noted that Sheriff Officers had served copies of the Application papers, and details of the CMD, on Mr Duncan by posting documents through the letterbox at the Property on 29th May 2026.

3. Mrs Reid referred to the Application papers. She stated that the Applicant, Mr Herd, is aged 79 and retired. She said that Mr Herd is selling his rented properties as he no longer wishes to be a landlord. Mrs Reid stated that Mr Herd understands that Mr Duncan is aged in his late twenties, has no dependants, is not working and has been living alone in the Property. She said that Mr Herd is not aware of Mr Duncan having any medical conditions. Mrs Reid said that Mr Duncan is currently in rent arrears of approximately £3500.00.

Findings in Fact and Law and Reasons for Decision

4. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”) the Tribunal is to issue an eviction order under a private residential tenancy (“PRT”) if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
6. Having considered all of the Application papers, and the submission of Mrs Reid, the Tribunal finds in fact that Mr Herd, through his Representative, has provided the Tribunal, in the Application, with copies of the Notice to Leave (“NTL”) served on Mr Duncan and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Dundee City Council. These documents had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (1) in the 2016 Act. The Tribunal further finds in fact that Mr Herd seeks recovery of the Property in order to sell it and Mr Duncan, having been served with Application papers and notified of the CMD, has not opposed the Application.
7. In making its findings in fact the Tribunal relied on the documentation in the Application papers, as well as the submission of Mrs Reid, the terms of which were consistent with the terms of the relevant documentation. The Tribunal also placed reliance on the absence of any contradictory information or submission from Mr Duncan. The papers in respect of the Application had been served effectively on him on 29th May 2026. He is aware of the important nature of the Application but has not lodged any representations regarding the merits and the reasonableness of the grant of the eviction order sought. The Tribunal’s office has not received any communications from Mr Duncan or any representatives or advisers acting on his behalf.
8. Having made their findings in fact, the Tribunal finds in law that the ground in Schedule 3 (1) of the 2016 Act is met, as Mr Herd intends to sell the Property, and that it is reasonable that an eviction order be granted.

Decision

9. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Warren Duncan, from the Property at 31 (6/L) City Road, Dundee, DD2 2BP.

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.

G McWilliams

30th June 2026

Tribunal Legal Member