



DECISION OF

Sheriff S. Reid

**ON *INTER ALIA* AN APPLICATION FOR PERMISSION TO APPEAL
(DECISION OF FIRST-TIER TRIBUNAL FOR SCOTLAND)**

IN THE CASE OF

Mr Paul Hyder

Appellant

- and -

Mr Dennis Douglas

Respondent

FTS Case Reference: FTS/HPC/EV/25/1598

20th February 2026

The Upper Tribunal for Scotland, having considered the parties' written and supplementary oral submissions on the appellant's application for permission to appeal against the decision of the First-tier Tribunal for Scotland ("FTS") dated 23 October 2025 *et separatim* the appellant's application to suspend the FTS's related Order for Eviction dated 23 October 2025, MAKES the following Orders:

1. Refuses the appellant's application for permission to appeal against the decision of the FTS dated 23 October 2025;
2. Refuses the appellant's application to suspend the Order for Possession (eviction order) issued by the FTS on 23 October 2025;
3. Refuses the respondent's application for an award of expenses against the appellant.



Sheriff S. Reid
Member of the Upper Tribunal for Scotland

NOTE:

The respondent applied to the FTS for an order to evict the appellant from residential property at 6 Strathmore Drive, Aberdeen.

The respondent relied upon Ground 1 of the Private Housing (Tenancies) (Scotland) Act 2016 (“the 2016 Act”), namely, that he intends to sell the property.

The appellant does not believe that the respondent genuinely intends to sell the property. He simply does not trust the respondent.

Nevertheless, having considered the evidence available (including an affidavit and a copy of an agreement entered into by the respondent with an estate agent), there being no reliable or credible contradictory evidence from the appellant, the FTS was persuaded that the ground of eviction was established. In light of the evidenced circumstances, and a recorded concession by the appellant that it would indeed be reasonable to grant the eviction order if the intended sale were genuine, the Tribunal duly granted the eviction order.

The appellant sought permission from the FTS to appeal to the UTS. The application was refused.

The appellant now seeks permission from the UTS to appeal against the FTS decision dated 23 October 2025. *Separatim* he seeks to suspend the FTS eviction order.

Both applications are refused because no arguable ground of appeal is advanced by the appellant.

The case is straight-forward.

The appellant takes issue with the conclusion of the FTS that the appellant occupied under a private residential tenancy following the departure of the respondent from the property (in 2022). No error is discernible in that legal conclusion. It is indubitably correct, having regard to the statutory definition of a private residential tenancy in section 1 of the 2016 Act.



The appellant takes issue with the FTS's finding-in-fact which states that "the [respondent] intends to sell the Property". This is a factual conclusion. No error is discernible in the FTS's assessment of the evidence pertaining to that finding. The conclusion is fully supported by the evidence. The appellant produced no contradictory evidence.

The appellant complains of a procedural error in the enforcement of the eviction order. He submits that the eviction order is being enforced prematurely. This ground of appeal was somewhat tentatively advanced, it was not expanded further and remains difficult to understand. At the Hearing before the UTS, the appellant appeared to concede that he was merely making a plea for more time. Having regard to the dates of the eviction order and the service of the charge by the sheriff officers, no procedural error or prematurity is discernible.

The appellant complained that his evidence was ignored by the FTS. There is no basis to support that assertion. Evidently, the FTS simply preferred the evidence of the respondent, vouched as it was by a detailed affidavit and a copy of the estate agency agreement.

The appellant complained that the FTS relied upon "dubious" and "forged" evidence. His assertion was unvouched and lacking in specification. Again, the essence of the appellant's grievance is that the FTS preferred the respondent's evidence to that of the appellant. The assessment of the quality of the evidence is a matter for the FTS. No error is discernible in the assessment of the quality of the evidence, or otherwise in the exercise of the fact-finding jurisdiction of the FTS. It is not for the UTS to substitute its own view on such factual matters (*a fortiori* on the assessment of the quality or weight to be attached to competing evidence), absent a discernible error.

The appellant complains that the FTS failed to give adequate reasons for its decision. The issues to be determined by the FTS were narrow in focus. Consistent with that, the reasons given by the FTS were commendably brief. They were also clear, intelligible and perfectly adequate. No error or deficiency is discernible in the reasoning.

Accordingly, the applications (for permission to appeal et separatim to suspend the eviction notice) are refused because no arguable error of law is discernible in the reasoning of the FTS.

The respondent sought an award of expenses against the appellant. I refused the respondent's application. The high threshold for the making of such an award had not been crossed (The Upper Tribunal for Scotland (Rules or Procedure) Regulations 2016, rule 12; The First-tier Tribunal for

Upper Tribunal for Scotland



Scotland Housing and Property Chamber (Procedure) Regulations 2017, paragraph 40; *Ramirez-Stich v Strachan* 2019 WL 06896891; *Hutcheson v Russell* 2023 SLT (Tr) 75; *Willow Court Management Co (1985) Ltd v Alexander* [2016] UKUT 290). Though unsuccessful in his defence of the proceedings, and in his pursuit of permission to appeal, the appellant's conduct cannot properly be characterised as unreasonable, merely erroneous and ill-advised.