



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

Chamber Ref: FTS/HPC/EV/25/4801

Re: Property at 26 Jackson Street, Coatbridge, North Lanarkshire, ML5 3NL (“the Property”)

Parties:

Mr Andrew McKeown, 18 Laird Street, Coatbridge, Lanarkshire, ML5 3LJ (“the Applicant”)

Miss Mairead Cox, Mr Liam Paterson, Mr Edwin Cattanach, Mrs Sandra Amadi, 26 Jackson Street, Coatbridge, North Lanarkshire, ML5 3NL (“the Respondents”)

Tribunal Members:

Nicola Irvine (Legal Member) and Ahsan Khan (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property. The Tribunal ordered a delay in the execution of an eviction order until 21 July 2026, in terms of Rule 16A (d) of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondents from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).

3. Letters were issued on 21 April 2026 informing both parties that a CMD had been assigned for 21 May 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient information and considers the procedure to have been fair. The Respondents were invited to make written representations by 12 May 2026.
4. On 13 May 2026 the Tribunal received an email from the fourth Respondent advising that agreement had been reached and that the eviction application is not opposed on the basis that any order from the Tribunal would not be extracted for 2 months from the date of the decision.
5. Also on 13 May 2026, the Tribunal received an email from the Applicant's representative advising that agreement had been reached and that the Respondents would seek a delay of one month before any order for eviction is extracted.

The case management discussion – 21 May 2026

6. The CMD took place by conference call. The Applicant was represented by Ms Simone Callaghan. The Respondents joined the call and represented themselves. The Tribunal explained the purpose of the CMD.
7. The fourth Respondent confirmed that the email sent by her on 13 May 2026 represented the position of all four Respondents. The application for an eviction order is therefore not opposed. All Respondents are in employment. They do not have alternative accommodation to go to. They have been in contact with the local authority but have not been offered alternative accommodation. The Tribunal explained the normal timeframe for an order of the Tribunal being extracted and then enforced. The fourth Respondent clarified that they agreed with the Applicant's representative that any eviction order would not be enforced for an additional month beyond the normal timeframe permitted. The Applicant's representative confirmed the agreement. She explained that the mortgage term relative to the Property has already expired and the Applicant has been unable to secure a mortgage to enable him to pay the outstanding mortgage. The heritable creditors have raised proceedings to repossess the Property but those proceedings are sisted pending the outcome of this application.
8. The Tribunal advised parties that it found the ground of eviction established and that it was reasonable to grant an order for eviction.

Findings in Fact

9. The Applicant's late wife was the owner and landlord of the Property at 26 Jackson Street, Coatbridge, North Lanarkshire, ML5 3NL.
10. The Respondents are the tenants of the Property.

11. The tenancy in question is a private residential tenancy which commenced on 8 July 2019.
12. Sheriff officers served a Notice to Leave on the Respondents on 18 June 2025.
13. The Applicant intends to sell the Let Property as executor of his late wife's estate.

Reason for Decision

14. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.
15. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD.
16. The Applicant has produced a copy of the grant of confirmation relating to his late wife. The Applicant's representative provided the reason why the Applicant wishes to sell the Property. This was not disputed by the Respondents. The Tribunal was satisfied that the ground of eviction is established.
17. The Tribunal proceeded to consider whether it is reasonable to grant an order for eviction. The Respondents do not oppose the application. Although they do not have alternative accommodation available to them right now, they have made contact with the local authority. The heritable creditors have raised proceedings to repossess the Property. Taking account of these factors, the Tribunal decided that it is reasonable to grant an order evicting the Respondents from the Property.
18. In light of the agreement reached between the parties and the fact that the Respondents have not secured alternative accommodation, the Tribunal was persuaded to exercise its discretion in terms of Rule 16A (d) of the Rules and ordered a delay in execution of the eviction order by a period of 1 month. The Tribunal would expect the local authority to treat the Respondents as homeless from the date of this decision in order to identify suitable accommodation for the Respondents.

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.

Nicola Irvine

Legal Member/Chair

Date 21st May 2026