



**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/25/4462**

**Re: Property at 27 Rose Street, Carnoustie, DD7 7BU (“the Property”)**

**Parties:**

**Mrs Linda Merrilees, 3 Guthrie Street, Carnoustie, DD7 6EL (“the Applicant”)**

**Mr Ronald Cathro, Mrs Ashleigh Cathro, 27 Rose Street, Carnoustie, DD7 7BU (“the Respondents”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Gerard Darroch (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 The order is superseded until 6<sup>th</sup> July 2026.**

**Background**

1. An application was received by the Housing and Property Chamber dated 10<sup>th</sup> October 2025. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 5 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 14<sup>th</sup> March 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 30<sup>th</sup> April 2026 at 10am by teleconferencing. The letter also requested all written representations be submitted by 4<sup>th</sup> April 2026.
3. On 17<sup>th</sup> March 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by leaving in the hands of household member. This was evidenced by Certificate of Intimation dated 17<sup>th</sup> March 2026.

## The Case Management Discussion

4. A CMD was held on 30<sup>th</sup> April 2026 at 10am by teleconferencing. The Applicant was not present but was represented by Mr Calvin Gordon, Senior Solicitor, Thorntons LLP. The Respondents were present and represented themselves.
5. Mr Gordon said that the Applicant is looking to have her daughter live in the Property. Her daughter qualified as a nurse in November 2025. Her daughter's partner is transferring to Dundee Division of Police Scotland in June 2026. They will live together at the Property. Mr Gordon said that the Applicant had been transparent from the start of the tenancy that she would be looking for her daughter to move into the Property in the future. It was her father's house which she inherited. The decision to pursue an order for eviction is on a no fault basis. There have been no tenancy issues with the Respondents.
6. The Respondents said that it was always their intention for this to be a long term let. They had not expected to have to leave so soon. The Applicant did tell them that it was a possibility that her daughter may want the tenancy but that it was not definite and that if her daughter did not want the Property she would sell it. The Respondents said that the Applicant said that she would give them first offer on it.
7. The Respondents live in the Property with their three children. Their youngest child, who is 9 years old, has medical conditions that require a lot of input from the Respondents and support at his school. Their other sons are 14 and 19. Their 14 year old child is at high school and their 19 year old son has a part time job in the local vicinity. The First Named Respondent's father lives a 5-10 minute walk from the Property. He has care needs which are provided by the Respondents and the First Named Respondent's sister.
8. The Respondents have spoken to Angus Council and These Homes. They are on the housing list with both of them. The Respondents said that they did not think that they would be rehoused by Angus Council on the mainstream housing list. They have been told that they will be reassessed once the Tribunal has made its decision. The Respondents said that they really wanted the security of having a social housing property as they do not want to be in this position again. The Respondents are very concerned about where they are going to live with their children.
9. A discussion followed about whether it would be better for the family if any order was superseded (postponed) until the start of the school holidays. The Respondents said that their youngest child has specific educational needs and has been placed at his current primary school specifically to deal with his needs. Their 14 year old son is unsettled at school currently and potentially changing schools could affect him greatly especially as it will be so close to the end of term.
10. The Tribunal considered that it was reasonable to grant an order for eviction given that it was not opposed. The Tribunal decided to supersede the Order until 6<sup>th</sup> July 2026 to allow both boys to end their school year before moving as

it can be very unsettling. It was noted that if the Respondents are offered a social housing property prior to that point they can move before the date of the Order. They must communicate this to the Applicant and/or Mr Gordon.

### Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 27<sup>th</sup> March 2021.
12. The Applicant now wants to have her property vacated by the Respondents so that her daughter and her daughter's partner can live in the Property. An affidavit dated 23<sup>rd</sup> June 2026 was lodged by the Applicant's solicitor with the application. This affidavit was made by the Applicant's daughter who confirmed that she wants to move into the Property.
13. The Respondents are not opposing the granting of an order. They have spoken to their local authority housing department who will not rehouse them until an order for eviction has been granted. The Respondents do not wish to pursue another property in the private rental sector due to the lack of security in the tenure. They now want to be rehoused by a social landlord to obtain this. Their local authority will not progress their application until such time as the Tribunal has made an order.
14. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

### Decision

15. The Tribunal found that ground 5 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

**30<sup>th</sup> April 2026**

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**Legal Member/Chair**

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**Date**

