



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016**

**Chamber Ref: FTS/HPC/EV/24/0851**

**Re: Property at 52 Glebe Street, East Kilbride, G74 4LX (“the Property”)**

**Parties:**

**Mr Duncan McInnes, 5 Strathallan Avenue, East Kilbride, G75 8GX (“the Applicant”)**

**Miss Darianne Harkins, Mr Paul McLennan, 52 Glebe Street, East Kilbride, G74 4LX (“the Respondent”)**

**Tribunal Members:**

**Lesley-Anne Mulholland (Legal Member) and Gerard Darroch (Ordinary Member)**

**Decision (in absence of the Respondents)**

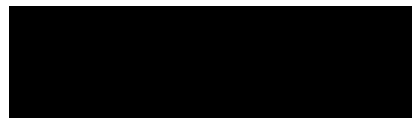
**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an Order for Eviction**

1. This is an application under Section 51(1) of the Private Housing (Scotland) Act 2016 for an Order for Eviction on the basis that the Applicant intends to sell the property for market value, or at least put it up for sale, within 3 months of the Tenants ceasing to occupy it.
2. The Applicant is the Landlord and owner of the property. The Respondents are the Tenants.
3. A two-member Case Management Discussion (CMD) took place at 2pm on 3 June 2024 by teleconference. The Applicant joined the hearing. The Respondents failed to appear and have failed to engage with the application in any way. We waited until 1415hrs and decided to proceed in the Respondents’ absence after satisfying ourselves that the relevant papers had been properly served on the Respondents and that they were notified of today’s CMD. We had regard to the overriding objective. It was fair and just to proceed.

4. The Applicant informed us that he was suffering from financial hardship following being made redundant in September 2023. He has struggled to get back into work. He has a family of four and has credit card and other debts. The property is an asset that he could sell which would go some way to alleviate the financial hardship and stress caused by his current situation. He intends to sell the property and has instructed Benton Estate Agency and has provided evidence of that.
5. As far as he knows, the Respondents have a three-year old. Both are working. The 1<sup>st</sup> Respondent is a nursery assistant and the 2<sup>nd</sup> Respondent is a refrigerating engineer. They have approached the local authority for housing and he understood that the local authority had informed the Respondents that this process had to be followed and an order granted before they could assist. He was not aware of them having any health issues.
6. We had no reason to doubt the information provided by the Applicant. The Respondents had not entered the process in any way and accordingly had not challenged the information provided in the application or sought to challenge the granting of an Eviction Order.
7. Having considered all of the evidence before us, orally and in writing, we decided to grant an Order for Eviction. The Applicant has served a Section 11 Notice on the Local Authority and the Respondents can contact them to apply for suitable alternative housing. We had no information before us to indicate that there were any particular circumstances to demonstrate that the granting of the Order would not be reasonable in all the circumstances.
8. Accordingly, we granted an Eviction Order.

### **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.**



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**Legal Member/Chair**  
**Date 3 June 2024**