



**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/24/4020**

**Re: Property at 314 Oak Road, Abronhill, Cumbernauld, G67 3LG (“the Property”)**

**Parties:**

**Mr Steven McCamley, 1C Ellisland Road, Kildrum, Cumbernauld, G67 2HF (“the Applicant”)**

**Mrs Catherine Coyle, 314 Oak Road, Abronhill, Cumbernauld, G67 3LG (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Ahsan Khan (Ordinary Member)**

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

**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.**

**Background**

1. An application was received by the Housing and Property Chamber dated 29<sup>th</sup> August 2024. 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 1 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 8<sup>th</sup> February 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17<sup>th</sup> March 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 1<sup>st</sup> March 2025.

3. On 11<sup>th</sup> February 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 11<sup>th</sup> February 2025.

#### The Case Management Discussion

4. A CMD was held on 17<sup>th</sup> March 2025 at 10am by teleconferencing. The Applicant was represented by Ms Sharon Cook, Director, Coda Estates. Ms Dione Forrester, Property Manager, Coda Estates was also present. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
5. Ms Cook said that the Applicant still requires to sell the Property. His wife is terminally ill. The family now live in Inverness and have no connection to the area where the Property is located. The Applicant requires the proceeds of the sale to support his finances.
6. Ms Cook said that there are no tenancy issues with the Respondent. Her office has been working with the Respondent to try to find another property. The Respondent is now liaising with her local authority to be rehoused but cannot be rehoused until such time as an order for eviction is granted.
7. The Tribunal was satisfied that there was a reasonable ground to grant the order for eviction and that the Respondent did not raise any issues of reasonableness to prevent that order from being granted.

#### Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced on 30<sup>th</sup> April 2023.
9. The Applicant requires to sell the Property to relieve financial pressure upon him as his wife is terminally ill.
10. The Respondent has been in contact with her local authority to be rehoused by them. This will not occur until such time as an order for eviction has been granted.
11. There are no issues of reasonableness that prevent an order from being granted.

#### Decision

12. The Tribunal found that ground 1 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

**Legal Member/Chair**

**Date: 17 March 2025**