

Housing and Property Chamber
First-tier Tribunal for Scotland



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/24/5752

Property : 9a Strathaven Road, Lesmahagow ML11 OHT (“Property”)

Parties:

Fergus McKenzie, The Old Farmhouse, Bishopton, Kinellar, Aberdeen AB21 OTX (“Applicant”)

Rent Locally, 42-46 Cadzow Street, Hamilton ML3 6DS (“Applicant’s Representative”)

Vivienne Reilly, 9a Strathaven Road, Lesmahagow ML11 OHT (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Elizabeth Williams (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to dismiss the application.

Background

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: Tenancy Agreement which commenced on 24 July 2023; Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 ("Act") dated 11 September 2024 ("Notice to Leave") with covering email dated 11 September 2024; an email from Keller Williams Estate Agents regarding the sale of the Property; email from the Applicant to the Applicant’s Representative dated 9 December 2024 explaining why he wishes to sell the Property and notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 with covering email dated 16 December 2024. A Case Management Discussion (“CMD”) was fixed for 30 June 2025. The Application was served on the Respondent by sheriff officer on 1 April 2025.

Case Management Discussion

A CMD took place before the Tribunal on 30 June 2025 by teleconference. Shortly before the CMD commenced it was brought to the Tribunal's attention that the Applicant's Representative had sent an email to Tribunal Administration stating that the Respondent had removed from the Property. The Applicant's Representative, Miss McCulloch, was in attendance at the CMD. The Respondent was not. Miss McCulloch told the Tribunal that the Respondent had secured alternative accommodation. The Tribunal determined that the tenancy had come to an end in terms of section 50 of the Act and therefore the application should be dismissed.

Decision

The Tribunal determined to dismiss the application.

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.

J Devine

**Joan Devine
Legal Member**

Date : 30 June 2025