

**Housing and Property Chamber**  
First-tier Tribunal for Scotland

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**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/25/0325**

**Re: Property at 154 Alberta Avenue, East Kilbride, G75 8AY (“the Property”)**

**Parties:**

**Mr Terence Dees, 17 Kelvin Crescent, East Kilbride, G75 0TY (“the Applicant”)**

**Miss Lisa Barr, 154 Alberta Avenue, East Kilbride, G75 8AY (“the Respondent”)**

**Tribunal Members:**

**Gabrielle Miller (Legal Member) and Elizabeth Williams (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.**

**Background**

1. An application was received by the Housing and Property Chamber dated 27<sup>th</sup> January 2025. The application was submitted under Rule 109 of The First-tier 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 2<sup>nd</sup> June 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 29<sup>th</sup> July 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 23<sup>rd</sup> June 2025.
3. On 3<sup>rd</sup> June 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent personally. This was evidenced by Certificate of Intimation dated 3<sup>rd</sup> June 2025.

### The Case Management Discussion

4. A CMD was held on 29<sup>th</sup> July 2025 at 2pm by teleconferencing. The Applicant was present and represented himself. Mrs Geraldine Dees, the Applicant's wife, was also present as an observer. The Respondent was and represented herself.
5. The Applicant advised that he was seeking an order for eviction. He has now retired from his employment. His wife has retired from her employment. He now wants to retire from being a landlord. To do this he needs to sell this property.
6. The Respondent is not opposing an order being granted. She has spoken to her local authority and has been allocated a homeless prevention officer. She has been told that she will be allocated a property once she has had an order for eviction granted against her. She lives in the Property on her own with her cat. She is going to be rehoused with her cat.
7. The Applicant confirmed that there are no issues with regard to rent arrears or antisocial behaviour. He said that the Respondent has been a good tenant.
8. The Tribunal was satisfied that there were no issues of reasonableness to prevent an order for eviction from being granted. The Tribunal granted the order for eviction.

### Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced 20<sup>th</sup> April 2024 though the tenancy has been ongoing since 13<sup>th</sup> February 2018.
10. The Applicant now wishes to sell this property. He has recently retired. His wife retired last year. He now wishes to retire from being a landlord. He needs to sell this property to be able to do that. He has instructed an agent to do this once there is vacant possession.
11. There are no rent arrears or antisocial behaviour issues with the tenancy. This is an eviction which is not due to any fault on the part of the Respondent.
12. The Respondent has spoken to her local authority. She has been assigned a homeless prevention officer. She will be rehoused once she has had an order for eviction granted against her. She does not oppose an order being granted.
13. There are no issues of reasonableness that prevent an order from being granted.

### Decision

14. 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

**29<sup>th</sup> June 2025**

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**Legal Member/Chair**

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**Date**