



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 (“The Act”)

Chamber Ref: FTS/HPC/EV/24/4701

Re: Property at 17 Thane Road, Glenrothes, KY7 4BP (“the Property”)

Parties:

Pamela Elliott as Executor of the late John Elliot ., c/o Innes Johnston LLP, 14 North Street, Glenrothes, Fife, KY7 5NA (“the Applicant”)

Ms Ann Smart, Ms Lauren Smart, 17 Thane Road, Glenrothes, KY7 4BP (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

Decision (in absence of the Respondents)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. Proof of the Applicant’s title and interest in raising proceedings is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 2pm on 14 July 2025. The Applicant was represented by Ms McAndie, Solicitor. There was no appearance by or on behalf of the Respondents. On the basis that the Respondents had received notice of the CMD and information about how to join the call by Sheriff Officers, the Tribunal decided to proceed in the absence of the Respondents. Ms McAndie had no preliminary matters to raise. Having heard from Ms McAndie and having considered the written materials before it, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the property to the Respondents by virtue of a Private Residential Tenancy Agreement within the meaning of the Act.*
- 2) *The Applicant now wishes to sell the Property. The Applicant acquired the landlord's interest in the tenancy when her husband passed away. The Respondents have long since stopped paying any rent and the mortgage account over the Property is in deficit with significant further arrears accruing.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondents;*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003;*
- 5) *The Respondents have not engaged with the Tribunal process.*

Reasons for Decision

[4] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an Eviction Order. The Tribunal granted 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.

A McLaughlin

Legal Member/Chair

14 July 2025

Date