

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/25/1023

Re: Property at 17D Whitehouse Gardens, Gorebridge, EH23 4FQ (“the Property”)

Parties:

**Mr John Ross, Mrs Elizabeth Ross, 10 Meadowbank Road, Ormiston, EH35 5JH;
4 Flora Place, Ormiston, EH35 5AE (“the Applicants”)**

Ms Nicola Catterson, 17D Whitehouse Gardens, Gorebridge, EH23 4FQ (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Angus Lamont (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 7th March 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 7th July 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 20th August 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 28th July 2025.

3. On 8th July 2025, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 8th July 2025.

The Case Management Discussion

4. A CMD was held on 20th August 2025 at 10am by teleconferencing. The Applicants were not present but were represented by Ms Kirstie Donnolly, Solicitor, TC Young. The Respondent was present and represented herself.
5. Ms Donnolly confirmed that the Applicants position was as it was in the application. This is namely that they have separated and part of the separation agreement is that this property will be sold and the funds divided between them. Ms Donnolly confirmed that there were no issues with the Respondent as a tenant. The rent account is up to date.
6. The Respondent said that she was not opposed to an order being granted. She has spoken to her local council who will look to rehouse her once she has had an order for eviction granted against her. She has been allocated a homeless officer at the local council.
7. The Tribunal was satisfied that it was appropriate to grant an order for eviction and that there were no issues of reasonableness to prevent this being granted.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 9th February 2021.
9. The Applicants require to sell this property as per the Minute of Agreement entered into by the Applicants upon their separation. This agreement was signed by the Applicants on 13th and 15th September 2024.
10. The Applicants have instructed an estate agent to sell the Property once there is vacant possession.
11. The Respondent does not oppose an order being granted. She has been liaising with her local authority in terms of being rehoused. She has been told that she will not be rehoused until such time as an order for eviction has been granted against her.
12. There are no issues of reasonableness that prevent an order from being granted.

Decision

13. 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 appeal within 30 days of the date the decision was sent to

Gabrielle Miller

20th August 2025

Date