



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/25/0468

Re: Property at 68A Main Street, Carnwath, ML11 8JZ (“the Property”)

Parties:

Mrs Wendy Bremner, The Tollhouse, Romanno Bridge, Peebleshire, EH46 7BZ (“the Applicant”)

Miss Stephanie Marie McCafferty, 68A Main Street, Carnwath, ML11 8JZ (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Service of the proceedings and intimation of the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 14 July 2025.

The CMD took place by teleconference on 27 August 2025 at 2.00 pm. The applicant joined the hearing and was represented by Miss Rachel Ewing of Roslea Properties Ltd. The respondent emailed the tribunal in advance of the hearing stating that she would not be participating.

Findings and Reasons

The applicant is Mrs Wendy Bremner who is the heritable proprietor of the property and the registered landlord. The respondent is Miss Stephanie Marie McCafferty who is the tenant.

The parties entered into a private residential tenancy in respect of the property which commenced on 22 November 2023. The applicant relies upon ground 5. This is an eviction ground where the landlord's family member intends to live in the let property. The notice period was one of 84 days. The notice to leave relied upon in this case is dated 8 November 2024 and stipulated that the earliest an application be submitted to the tribunal would be 4 February 2025. There is evidence that the notice to leave was served upon the respondent on 8 November 2024. Sufficient statutory notice was given.

The applicant has provided a statements from herself and her son. The applicant proposes that her son lives in the let property with his wife. They are currently living with her in a rural property and both the applicant and his seek their own independent living accommodation. The applicant also seeks to move on from her current accommodation and live in an area with closer infrastructure and amenities. The tribunal was satisfied on the basis of the evidence produced that it is the applicant's son's intention to live in the let property.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The parties are not on good terms. The respondent lodged detailed written submissions on 1 August 2025 setting out her complaints about the applicant. However she wishes to move from the property and was not ultimately opposed to the making of an eviction order which was confirmed in her further written representations on 26 August 2025. The respondent does not wish to live in the property. She is seeking accommodation elsewhere.

A Section 11 homelessness notice has been issued to the local authority. The respondent will be provided with alternate accommodation in the event of an eviction order being made.

The respondent lives in the property with her two children, one of whom has autistic spectrum disorder. She suffers from severe anxiety disorder and is in receipt of prescribed medication. She has suffered two recent bereavements.

The tribunal concluded that it was reasonable to grant the eviction order. The tribunal took account of the respondent's personal circumstances and found it fair, proportionate and reasonable to extend the period for implementation of the eviction order beyond the standard 30 day period. The tribunal extended the period until Friday 31 October 2025.

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.

Richard Mill

27 August 2025

Legal Member/Chair

Date