

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)**

Chamber Ref: FTS/HPC/EV/25/1328

Re: Property at 6 Ballantrae Crescent, Newton Mearns, East Renfrewshire, G77 5TX (“the Property”)

Parties:

Ms Ann Apsley (formerly McKay), 2A Vasileas Street, Mouttagiaka, Limassol, 4527, Cyprus (“the Applicant”)

Miss Anisah Razaq, 6 Ballantrae Crescent, Newton Mearns, East Renfrewshire, G77 5TX (“the Respondent”)

Tribunal Members:

Virgil Crawford (Legal Member) and Ann Moore (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that

BACKGROUND

1. By Lease dated 8th August 2020, the Applicant let the Property to the Respondent.
2. A notice to leave dated 26th November 2024 was served upon the Respondent. This intimated that vacant possession was sought as the Applicant intended to reside in the Property as her main residence.
3. A notice in terms of s1 of the Homeless Etc. (Scotland) Act 2003 was intimated to the local authority.

4. An affidavit of the Applicant was provided confirming her intention to occupy the Property for at least 3 months and explaining her reasons for needing to do so.

THE CASE MANAGEMENT DISCUSSION

5. The Applicant did not participate personally in the case management discussion but was represented by Miss S Callaghan of Messrs TC Young Solicitors. The Respondent did not participate in the tribunal discussions. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the FTT Regs”) that the respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
6. Miss Callaghan moved the Tribunal to grant an eviction order on the basis the Applicant intended to reside within the Property. The Tribunal enquired as to any information which was available in relation to the Respondent. Miss Callaghan advised the Tribunal that, as far as the Applicant is aware;
 - The Respondent lives at the Property with her partner, 4 children and a dog.
 - The ages of the children are not known.
 - No information is known in relation to the income, work patterns nor benefit situation of the Respondent.
 - The Respondent has forwarded a notice to the Applicant’s letting agents stating that she intended to vacate the Property but is still in occupation of it.
 - On 4th September 2025, the Respondent spoke to the letting agent advising that she intended to vacate the Property on 5th September 2025 and would return the keys after 5pm.
7. On the basis the Tribunal was in receipt of an affidavit supporting the position of the Applicant and in the absence of opposition by the Respondent, the Tribunal granted an order for eviction.

DECISION

The Tribunal granted an order against the Respondents for eviction of the Respondents from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 4 of Schedule 3 to said Act.

Order not to be executed prior to 12 noon on 13th 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.

Virgil Crawford

5th September 2025

Legal Member/Chair

Date

Virgil Crawford