

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) under Section 51 of the Private Housing
(Tenancies)(Scotland) Act 2016**

Chamber Ref: FTS/HPC/EV/25/1242

Re: Property at 24 Katrine Crescent, Airdrie, ML6 0LB (“the Property”)

Parties:

**Platform Funding Limited, PO Box 101, 1 Balloon Street, Manchester, M60 4EP
 (“the Applicant”)**

**Ms Jennafer Helen Hegan, 24 Katrine Crescent, Airdrie, ML6 0LB (“the
Respondent”)**

Tribunal Members:

Gabrielle Miller (Legal Member) and Gordon Laurie (Ordinary Member)

Decision (in absence of the Respondent)

**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granted in favour of the Applicant with the extract superseded until 22nd
November 2025.**

Background

1. An application was received by the Housing and Property Chamber dated 21st 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 2 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 12th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 22nd September 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 2nd September 2025.

3. On 13th August 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 13th August 2025.

The Case Management Discussion

4. A CMD was held on 22nd September 2025 at 10am by teleconferencing. The Applicant was represented by Ms Chloe Imrie, Solicitor, Aberdeen Considine. The Respondent was not present or represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
5. Ms Imrie said that the Applicant wished to sell the Property. This could not be done with a sitting tenant. The Applicant has a statutory duty to maximise the value from the sale of the Property. This could not be achieved with a tenant in the Property as it reduces the value of a property.
6. It was noted in the Court Decree that the landlord was listed as living in the Property at that point. Ms Imrie did not believe that he was there then and this was an administrative error. Her firm had tried to trace him but was unsuccessful. They did also try an international trace but that was also unsuccessful. Service for the court case was undertaken by walls of court service.
7. Ms Imrie said that she believes that the Respondent lives in the Property with her two young children who have additional needs. She does not have any more details. Sheriff Officers had attended the Property on the 8th September to check that she was still residing in the Property. She was not in but later called the Sheriff Officers. The Respondent said that she has been in contact with the local authority who had told her not to leave until she was evicted. She also said that she would not be attending the CMD. Ms Imrie said that there were no other tenancy issues such as rent arrears or antisocial behaviour.
8. The Tribunal was satisfied that it was reasonable to grant an order for eviction. The Respondent was clearly aware of the CMD date but had elected not attend. She is waiting for the order before her local authority can rehouse her. However, with two young children with additional learning needs in the Property it was reasonable to supersede the extract for one month. Ms Imrie said a small supersession would not be prejudicial to the Applicant.

Findings and reason for decision

9. A Private Rented Tenancy Agreement commenced on 22nd May 2018.
10. A court order for the repossession of the Property was granted on 22nd February 2024. It is the intention of the mortgage provider to sell the Property to recoup

outstanding debts. Having a sitting tenant would reduce the value of the Property.

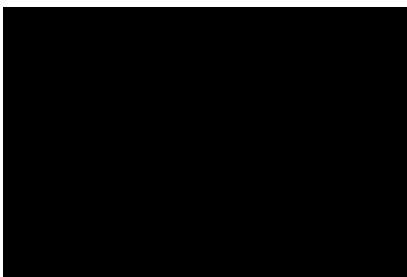
11. The Respondent lives in the Property with her two young children who have learning support needs.
12. The Respondent has been in contact with her local authority regarding being rehoused. She has been advised not to move until she has an order for eviction.
13. The Respondent told the Applicant's representative that she would not be attending this CMD.
14. There are no issues of reasonableness that prevent an order from being granted.

Decision

15. The Tribunal found that ground 2 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.



Legal Member/Chair

22 September 2025

Date