

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/24/4978

Re: Property at 48 Roseberry Place, Burnbank, Hamilton, ML3 9EP (“the Property”)

Parties:

Mr Derek John Kane, 56 Argyle Drive, Burnbank, Hamilton, ML3 9EG (“the Applicant”) and

Mrs Linda Ramage, 48 Roseberry Place, Burnbank, Hamilton, ML3 9EP (“the Respondent”)

Tribunal Members:

**G McWilliams- Legal Member
E Williams - Ordinary Member**

Decision

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

Background

1. This Application, contained in papers lodged with the Tribunal, was brought in terms of Rule 109 (Application for an eviction order) of The First-tier Tribunal for Scotland Housing and Property Chamber Rules of Procedure 2017 (“the 2017 Rules”).
2. The Applicant, Mr Kane, had provided the Tribunal, in his Application, with copies of the parties’ Private Residential Tenancy Agreement (“the PRT”), the Notice to Leave (“NTL”) served on the Respondent and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to South Lanarkshire Council. All of these documents and forms had been correctly and

validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied.

3. The Respondent, Mrs Ramage, had been validly served by Sheriff Officers with the Notification of Hearing, Application papers and Guidance Notes from the Tribunal on 27th August 2025, and the Sheriff Officers' Certificate of Intimation was produced.

Case Management Discussion on 10th October 2025

4. A Case Management Discussion ("CMD") proceeded remotely by telephone conference call at 10.00am on 10th October 2025. Mr Kane, his son Callum Kane, and Mrs Ramage attended. They were together in Mr Kane's home using his telephone.
5. Mr Kane referred to the Application papers and stated that his son Callum wishes to move into the Property with his girlfriend. Callum Kane stated that this is the case. Mr Kane said that he and his late wife used to live in the Property. He stated that he does not have any other rental properties. Callum Kane said that he would like to reside in the Property as it is owned by his father and is nearby to his father's present house. Mr Kane stated that he has been providing assistance to Mrs Ramage in connection with an application to South Lanarkshire Council for alternative housing and he will continue to do so.
6. Mrs Ramage stated that she has submitted an application for alternative housing to her local authority. She said that she has spoken with their housing officer and been told that her application will be processed, and given priority, after an eviction order has been granted. Mrs Ramage said that she has had a very good relationship with Mr Kane and his late wife and stated that she consents to the grant of an eviction order and that she is now ready to move on. Mrs Ramage said that she has been residing alone in the Property. She said that she is a carer her sister and that her rent is paid through her award of Universal Credit.

Statement of Reasons

7. In terms of Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 ("the 2016 Act") the Tribunal is to issue an eviction order under a private residential tenancy if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
8. Schedule 3 (5) (1) of the 2016 Act provides that it is an eviction ground that a member of the landlord's family intends to live in the let Property.
9. The Tribunal considered the Application papers, including the PRT, NTL and supporting papers. The Tribunal also considered the statements and submissions made by Mr Kane, Callum Kane and Mrs Ramage at the CMD. Having done so the Tribunal found in fact that Mr Kane seeks to recover possession of the Property so that his son Callum Kane, and his girlfriend, can live there and found in law that Ground 5 in Schedule 3 to the 2016 Act is

satisfied. Given that Mr Kane and Mrs Ramage seek the grant of an eviction order as soon as possible the Tribunal also found that it is reasonable to make such an order.

Decision

10. The Tribunal therefore makes an eviction order as sought in this 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.

G McWilliams

10th October 2025

Tribunal Legal Member

Date