

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/25/2628

Re: Property at 37 Gowanbank, Livingston, EH54 6EN (“the Property”)

Parties:

Mr Scott Coutts, 52 Marchbank Drive, Balerno, EH14 7ER (“the Applicant”)

Ms Tracey Meechan, 37 Gowanbank, Livingston, EH54 6EN (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Eileen Shand (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.

Background

1. An application was received by the Housing and Property Chamber dated 16th June 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 5th September 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 20th October 2025 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 26th Sept 2025.
3. On 9th September 2025, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 9th September 2025.

4. On 20th October 2025 at 9.21am the Respondent emailed the Housing and Property Chamber to advise that she was not refusing to leave the Property but that she has not had much help from her local authority. She said that she was actively looking for somewhere new to move to. She is a self employed childminder. She has a daughter in sixth year at high school. She raised concerns that repairs have not been undertaken due to the eviction application.

The Case Management Discussion

5. A CMD was held on 20th October 2025 at 2pm by teleconferencing. The Applicant was represented by Ms Karen Bruce, Campbell Stafford Lettings. The Respondent was not present and was not represented. The Tribunal proceeded in terms of Rule 29 of the Rules.
6. Ms Bruce told the Tribunal that the Applicant only has this one property as a rental property. He now wishes to sell it. His reasons to sell are that he wishes to put the funds from the Property to his new family home. At the point of the Notice to Leave, his partner was pregnant. They wished to buy a bigger house to accommodate their family. The Applicant's brother was looking to buy a property for himself. The Applicant and his brother reached a private agreement with regards to the Applicant's brother purchasing the Property. The Applicant has taken a loan from his family to be able to purchase his new family home. This debt must now be repaid. This is causing the Applicant financial hardship. The Applicant's brother wants to move out of his parents' home into the Property.
7. The Respondent raised in her email that she thought that repairs might not be being done because of this application. Ms Bruce said that this referred to the leak in the shower. A temporary fix has been done. The contractor has said that this will last for several months and can be redone. The Applicant's brother intends to undertake substantial work to the Property. The bathroom will be changed. Estimates have been obtained from three contractors. The lowest of these is for £3700 to repair the shower. The Applicant is of the view that if his brother is to change the bathroom that this would essentially be a waste of money when the fix has stopped the ongoing issue for the Respondent. Ms Bruce said that this has been explained to the Respondent.
8. Ms Bruce said that there are no issues with the Respondent and her occupation of the Property. There are no rent arrears or antisocial behaviour. She has been a good tenant though has stopped communicating since the shower repair has been undertaken. She believes that the Respondent may have been to her local authority to look at being rehoused. Ms Bruce understands that the position of that local authority is that they will not rehouse until 24 hours before the eviction date. Ms Bruce said that there has been no request made for references from other landlords or letting agents. She has been keeping an eye on the market to ensure that rent charges remain fair. She has seen about 6 properties which are similar this property since the Notice to Leave was served. She said that they were priced between £25 - £200 per month more than the Respondent's current rent charge. She does not know if the Respondent has tried to obtain

one of these properties. Ms Bruce is not aware of what area the Respondent is looking to be rehoused in.

9. The Tribunal raised that the extract could be superseded. Ms Bruce said that this would only bring financial hardship upon the Applicant. It was discussed with the Tribunal that the Respondent will not be rehoused by her local authority unit an eviction date has been set so may disadvantage her to have the Order delayed.
10. The Tribunal noted that the Respondent is a self employed childminder and has a daughter at high school. However, the Respondent and her daughter are not known to have any disabilities or vulnerabilities. It is not clear to what extent the Respondent has made attempts to find alternative accommodation. The Applicant is in financial hardship by continuing to be a landlord. The Tribunal considered that there were no issues of reasonableness which would prevent an order from being granted.

Findings and reason for decision

11. A Private Rented Tenancy Agreement commenced 31st January 2022.
12. The Applicant now wishes to sell the Property. He requires the funds to repay a family debt which was given to him make payment towards his new family home. It is causing him financial hardship until this debt is repaid.
13. The Applicant's brother is to purchase the Property from the Applicant.
14. The Respondent and her daughter do not have any known disabilities or vulnerabilities.
15. There has been no reference request by other landlords for the Respondent from the Applicant's letting agent.
16. There are no issues of reasonableness that prevent an order from being granted.

Decision

17. 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

seek permission to appeal within 30 days of the date the decision was sent to them.

Gabrielle Miller

Legal Member/Chair:

Date: 20th October 2025