



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51(1) of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/1515

Re: Property at 37 Carlops Road, Penicuk, Midlothian, EH26 0EX (“the Property”)

Parties:

Ms Annette Ruehlmann, Mr Kristoffer Lowrie, 7 Watkins House, Manchester Road, London, E14 3PB; 7 Watkins House, Manchester House, London, E14 3PB (“the Applicant”)

Mrs Alana Stewart, 37 Carlops Road, Penicuk, Midlothian, EH26 0EX (“the Respondent”)

Tribunal Members:

Mark Thorley (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 an Order of Eviction should be granted.

- **Background**

1. The Applicant applied to the Tribunal for an Order of Eviction by application dated 9 April 2025.
2. The application was initially accompanied by the Notice to Leave, a copy of the email sending out the Notice to Leave, letter of instruction from the client and a copy of a document regarding the lease end arrangement.
3. The application was subsequently required to be completed by the forwarding of the Section 11 Notice, together with a copy also of the Tenancy Agreement.
4. The application was accepted for determination on 8 July 2025. It was served personally on the Respondent on 17 October 2025.

5. The Respondent did not provide any written representations for the case management discussion.

- **The Case Management Discussion**

1. At the case management discussion, Ms Gourlay, from Rent Locally, appeared on behalf of the Applicant. There was no appearance by or for the Respondent. The Respondent had been in touch with Ms Gourlay to indicate that she was unavailable due to work commitment. However, it appeared she was not objecting to the Order being granted. She required an Order for the purposes of obtaining local authority housing.
2. The Tribunal sought further information from Ms Gourlay. It is a three bedroomed property, which is an upper flat. The Respondent has been a tenant since 20 February 2023. She lives there with her two teenage sons, both of whom appear to be at school.
3. The purpose of the Applicant seeking to recover the Property is to live in it. One of the Applicants suffers from ill health. They wish to live in Scotland to be around family.

- **Findings in Fact**

1. The parties entered into a Tenancy Agreement for the rental of the Property at 37 Carlops Road, Penicuik, EH26 0EX, with a Date of Entry of 20 February 2023.
2. The Applicants wish to recover the property in order to live there.
3. They require to do so because of the ill health of one of the Applicants and a need to be closer to family members.
4. The Property is a three bedroomed property and is an upper flat. The Respondent resides there with her two teenage sons.
5. The Respondent is not opposed to the Order.

- **Reasons for Decision**

1. The Applicant had made out the case for wishing to return to the Property. This did not appear to be disputed by the Respondent.
2. The Respondent sought an Order such that she could obtain further housing herself.
3. It was reasonable to grant the Order.

4. The Tribunal accepted the evidence, both in written format and in oral formats provided at the case management discussion.

- **Decision**

1. To grant an Order of Eviction.

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.

Mark Thorley

9 December 2025

Legal Member/Chair

Date