



Decision 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/25/0578

Re: Property at 27 Dunbeth Avenue, Coatbridge, ML5 3JD (“the Property”)

Parties:

Mr Cameron Dick, 50 Raebog Road, Glenmavis, Airdrie, ML6 0NW (“the Applicant”)

Mr Duncan Tracey, 27 Dunbeth Avenue, Coatbridge, ML5 3JD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Mary Lyden (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 11th February 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 grounds 5 and 11 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 8th August 2025, all parties were written to with the date for the Case Management Discussion (“CMD”) of 17th September 2025 at 10am by teleconferencing. The letter also requested all written representations be submitted by 8th August 2025.

3. On 17th 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 17th August 2025.
4. The CMD was postponed. A new date was set for 18th December 2025 at 2pm by teleconferencing. All parties were written to with the date of the CMD on 29th October 2025.

The Case Management Discussion

5. A CMD was held on 18th December 2025 at 2pm by teleconferencing. The Applicant was represented and represented himself. His father, Mr Colin Dick, was also present as an observer. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
6. The Applicant said that there has not been any contact from the Respondent since February 2025. The Respondent had contacted the letting agent at that time.
7. In terms of ground 5, the Applicant wishes to let the Property to his sister. She is in her second year at Strathclyde University. The transport links are good for her to attend university. She is currently living at their parents three bed roomed property. In the house are their parents, the Applicant, the Applicant's sister and her partner and the Applicant's brother who has cerebral palsy. The Applicant's sister can be quite upset by their brother who can be loud in his vocalisations. This is no fault of his but from his cerebral palsy. She needs to be somewhere more suitable for her to allow her to focus upon her studies.
8. The Applicant said that this is his only rental property. He does this on his parents' behalf as they are the owners. His parents bought the Property in 1999. His grandmother lived in it until around 2004/05 when she passed away. An uncle lived in it after that. Then there was the previous tenant for 1-2 years. The preference is now to keep it for family members.
9. In terms of ground 11, there has been no further issues since the Applicant paid for the disposal of the rubbish in March 2025. There have been no further complaints. Though he did note that it has not been possible for an inspection to be undertaken and the condition of the Property on the inside is unknown.
10. The Applicant said that the rent is being paid each month. He does not know if there is a Universal Credit entitlement or if the Respondent is working. The lease did state that he should be working. There are no known disabilities or vulnerabilities.
11. The Tribunal did not consider that ground 11 had been met as there were no further issues arising since March 2025. However, it was satisfied that ground 5 had been met. The Tribunal considered that there were no issues of

reasonableness preventing an order being granted. The Tribunal granted the order on ground 5.

Findings and reason for decision

12. A Private Rented Tenancy Agreement commenced 9th November 2020. The rent charge is £450 per month.
13. The Applicant's sister is living with him, his brother and their parents with her partner in a three bedrooomed property. This is the Applicant's parents' house. It is not suitable for all of them to live in as it is overcrowded. The overcrowding is affecting the Applicant's sister in terms of her stress levels and ability to study.
14. The Respondent has no known disabilities or vulnerabilities.
15. There are no issues of reasonableness that prevent an order from being granted.

Decision

16. The Tribunal found that ground 5 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.

Since an appeal is only able to be made on a point of law, a party who intends to appeal the tribunal's decision may wish to request a Statement of Reasons for the decision to enable them to identify the point of law on which they wish to appeal. A party may make a request of the First-tier Tribunal for Scotland (Housing and Property Chamber) to provide written reasons for their decision within 14 days of the date of issue of this decision.

Where a Statement of Reasons is provided by the tribunal after such a request, the 30 day period for receipt of an application for permission to appeal begins on the date the Statement of Reasons is sent to them.

Gabrielle Millar

18th December 2025

Legal Member/Chair

Date