



**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/25/2593

Re: Property at 8A Kirkton Street, Carlisle, ML8 4AB (“the Property”)

Parties:

**Waverlee Properties Ltd, 4 Castlehill Road, Carlisle, ML8 5EN (“the Applicant”)
and**

**Pomphreys Properties Ltd, 36 Hill Street, Wishaw, ML2 7AT (“the Applicant’s
Representative”) and**

**Mr Stephen Baird, 8A Kirkton Street, Carlisle, ML8 4AB (“the
Respondent”)**

Tribunal Members:

G McWilliams: Legal Member

A Moore: Ordinary Member

Decision in absence of the Respondent:

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determines to grant an eviction order.**

Background

1. This is an Application for an eviction order 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”).

Case Management Discussions

2. A Case Management Discussion ("CMD") had proceeded by remote tele-conference call on 20th January 2026. Reference is made to the Notes on that CMD.
3. A further CMD proceeded by remote tele-conference call at 10.00am on 5th February 2026. The Applicant's Representative's Mrs A McIntyre attended. The Respondent Mr Baird did not attend and was not represented. The Tribunal noted that the Tribunal's office had notified Mr Baird of the details of the CMD by post and e-mail on 21st and 23rd January 2026.
4. Mrs McIntyre referred to the Application case papers and the Notes on the previous CMD on 20th January 2026. She stated that she had not been contacted by Mr Baird, his partner or anyone else representing him following the previous CMD. She said that the Applicant wants to sell the Property as soon as they are able to recover possession.

Findings in Fact and Law and Reasons for Decision

5. 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 ("PRT") if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
6. Schedule 3 (1) (1) of the 2016 Act provides that it is an eviction ground that a landlord intends to sell the let property and confirms the criteria for the grant of an eviction order on this ground.
7. The Tribunal considered all of the Application papers and Mrs McIntyre's oral submission. Having done so, the Tribunal found in fact that the Applicant seeks recovery of the Property in order to sell it and found in law that Ground 1 in Schedule 3 to the 2016 Act is satisfied.
8. In making its findings in fact the Tribunal relied on the documentation in the Application papers, and subsequently submitted, as well as the submissions of Mrs McIntyre at both CMD's, the terms of which were consistent with the terms of the relevant documentation. The Tribunal also placed reliance on the absence of any contradictory information or submission from Mr Baird. He is aware of the important nature of the Application and his partner attended the previous CMD. He was sent notification details of today's CMD but has not attended and not made any oral or written representations regarding the merits and reasonableness of the grant of the eviction order sought. He has not arranged for his partner, or any other representative, to attend at today's CMD and state his position regarding this Application.

Decision

9. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr Stephen Baird, from the Property at 8A Kirkton Street, Carlisle, ML8 4AB.

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

5th February 2026

Tribunal Legal Member