



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/25/1501

Re: Property at 77 Comley Bank, Hamilton, ML3 9TL (“the Property”)

Parties:

Centauri Prime Limited (SC779601), 24 Fairfield Place, Bothwell, G71 8RP (“the Applicant”)

Ms Linda Watson, 77 Comley Bank, Hamilton, ML3 9TL (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Gerard Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an order for eviction be granted

Introduction

1. This application is under rule 66 and section 33 of the Housing (Scotland) Act 1988. The application seeks an eviction order. Intimation of the application and of the Case Management Discussion (‘CMD’) was effected upon the respondent by Sheriff officers on 16 October 2025.
2. The CMD took place by teleconference on 6 March 2026 at 2.00 pm. An earlier hearing on 28 November 2025 was adjourned due to the absence of the applicant’s representative. The applicant was represented by Mr John Rowan of MBJ Solicitors. The respondent joined personally and represented her own interests.

Findings and Reasons

3. The property is 77 Comley Bank Hamilton ML3 9TL. The applicant is Centauri Prime Limited who is the heritable proprietor and registered landlords of the property. The respondent is Ms Linda Watson who is the tenant.
4. The parties entered into a short assured tenancy which first commenced on 22 September 2017 to 21 March 2018 and continued thereafter. The terms of the lease require 2 months' notice by either party to end the tenancy. An AT5 Notice under section 32 of the 1988 Act was served on the respondent prior to the creation of the tenancy.
5. On 16 January 2025 the applicant served upon the respondent a Notice to Quit. In the terms of the said Notice to Quit, the applicant gave notice to the respondent that he would require to remove from the property on or before 22 March 2025. Further, on 16 January 2025 the applicant served upon the respondent Notice under Section 33(1)(d) of the Housing (Scotland) Act 1988 stating that possession was required of the property as at 22 March 2025.
6. The short assured tenancy between the parties has reached its end. Tacit relocation is not operating. No further contractual tenancy is in existence. The applicant has complied with the terms of Section 33(1)(d) of the Housing (Scotland) Act 1988.
7. The tribunal considered the reasonableness of the eviction order being granted. The applicant's representative could not advise the tribunal of the applicant's motivation for the eviction. There are disputed rent arrears as the respondent is withholding some level of rent due to repair issues. It was agreed that the claimed rent arrears should not fall for consideration in the balancing exercise.
8. The Respondent has no objection in principle to vacating the property. It no longer meets her needs as she has mobility problems and the property has stairs. She cares for her granddaughter who is 15 years of age. She sought an extended period of time to move elsewhere. A section 11 Notice under the Homelessness etc (Scotland) Act 2003 has been issued. In the event of an eviction order being made the local authority is under a statutory duty to make suitable alternative accommodation available.
9. The tribunal concluded that it was reasonable to grant the eviction order. The tribunal extended the period for implementation for a period of over three months until Friday 26 June 2026. This takes account of the length of the tenancy, the respondent's health issues and the best interests of the respondent's dependent granddaughter who is attending school.

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.

Richard Mill

6 March 2026

Legal Member/Chair

Date