

# 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/25/2797**

**Re: Property at 122 Lochfield Road, Lochfield, Paisley, PA2 7RB (“the Property”)**

**Parties:**

**Miss Caroline McGhee, 27 Quarry Road, Lochfield, Paisley, PA2 7RD (“the Applicant”) and**

**Mr James Murphy, 16 Cramond Place, Broomlands, Irvine, KA11 1HD (“the Respondent”)**

**Tribunal Members:**

**G McWilliams: Legal Member**

**N Allan: 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 Discussion**

2. A Case Management Discussion (“CMD”) proceeded by remote teleconference call at 2pm on 14<sup>th</sup> April 2026. The Applicant, Miss McGhee, attended. The Respondent, Mr Murphy, did not attend and was not represented. The Tribunal noted that Sheriff Officers served copies of the Application papers, and details of the CMD, upon Mr Murphy by posting relevant papers through the letterbox of the property at 16 Cramond Place, Broomlands, Irvine, KA11 1HD on 24<sup>th</sup> February 2026.
3. Miss McGhee referred to the Application case papers and stated that she wishes to return to reside in the Property as soon as possible. She said that whilst she

understands that Mr Murphy is now resident at the address in Irvine, specified above, she has never been informed by him that he has ended his tenancy of the Property. Ms McGhee said that she would feel unsafe returning to the Property without the certainty and security of the grant of an eviction order.

### **Findings in Fact and Law and Reasons for Decision**

4. 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 if, on application by a landlord, it finds that one of the eviction grounds named in Schedule 3 applies.
5. Schedule 3 (4) (1) of the 2016 Act provides that it is an eviction ground that the landlord intends to live in the let Property.
6. Having considered all of the Application papers and the submission of Miss McGhee, the Tribunal finds in fact that Miss McGhee has provided the Tribunal, in her Application, with copies of the Notice to Leave (“NTL”) served on Mr Murphy and the Section 11 (Homelessness Etc. (Scotland) Act 2003) Notice intimated to Renfrewshire Council. These documents had been correctly and validly prepared in terms of the provisions of the relevant legislation, and the procedures set out in the legislation had been correctly followed and applied. The NTL, and the Application for an eviction order, proceed in terms of Schedule 3 (4) in the 2016 Act. The Tribunal further finds in fact that Miss McGhee intends to live in the Property.
7. In making its findings in fact the Tribunal relied on the documentation in the Application papers. They also relied on the oral submission of Miss McGhee, the terms of which were consistent with the terms of the relevant documentation.
8. The Tribunal, in making their findings in fact, also placed reliance on the absence of any contradictory information or submission from Mr Murphy. He is aware of the important nature of the Application but he has not attended at the CMD and has not made any oral or written representations regarding the merits and the reasonableness of the grant of the eviction order sought.
9. Accordingly, the Tribunal finds in law that the ground in Schedule 3 (4) of the 2016 Act is met, as Miss McGhee intends to reside in the Property, and that it is reasonable that an eviction order be granted.

### **Decision**

10. Therefore, the Tribunal makes an order for eviction of the Respondent, Mr James Murphy, from the Property at 122 Lochfield Road, Lochfield, Paisley, PA2 7RB.

## **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.**

Gerald McWilliams

**G McWilliams**

**14<sup>th</sup> April 2026**

**Tribunal Legal Member**