



First-tier Tribunal for Scotland (Housing and Property Chamber)

Decision of the First Tier Tribunal for Scotland (Housing and Property Chamber) under section 57(2) or 58(2) of the Private Housing (Tenancies) (Scotland) Act 2016.

Reference number: FTS/HPC/PR/25/1465

Re: Property at 30 Eden Grove, East Kilbride, G75 8XU (“the Property”)

The Parties:

Mr Gordon Guthrie, 114 Burns Park, East Kilbride, G74 3EG (“the Applicant”)

The Church Of Scotland General Trustees, 121 George Street, Edinburgh, EH2 4YN (“the Respondent”)

Tribunal Members :

Mark Thorley (Legal Member) Anne (Ordinary Member)

Decision

The First Tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to refuse the application.

Background

The Applicant applied to the Tribunal by application dated 4th April 2025. Along with the application the applicant sent a copy of a notice to leave together with the lease document. The applicant contended that he had been sent a notice to leave on 17th April 2023 and that the respondent had sought recovery of the property for religious purposes. As at 4th April 2025 the property however was still not being used for religious purposes.

The application was accepted for determination on 10th June 2025. It was served by sheriff officers on 10th September 2025. On 30th September 2025 the responded lodged a written representation.

A case management discussion took place on 22nd October 2025. At that time the tribunal were unable to determine the case and proceeded to assign a hearing. A notice of direction was issued to both parties on 22nd October 2025 requiring certain documentation to be lodged no later than 19th November 2025. The respondent was required to lodge an affidavit. The respondent complied with that and lodged an affidavit of Ms Mhairi Macleod. The applicant was required to lodge a written statement together with any further productions. The applicant did not comply with the notice of directions.

Hearing 16th April 2026

At the hearing held by way of teleconference the applicant did not attend. The respondent was represented.

The respondent made reference to the terms of the affidavit lodged and sought that the application be refused.

Evidence of Ms Mhairi Macleod

The evidence of this witness was contained within an affidavit. The content of the affidavit was not challenged by the applicant.

Findings in fact

1. The applicant was a tenant of the respondents between 20th May 2021 and in or around 15th September 2023.
2. The respondent, through their letting agents, served a notice to quit on the applicant on 17th April 2023. The respondents were seeking recovery of the property for religious purposes.
3. The property is a manse. The Congregation of East Kilbride MossNewk wished to call a minister and for that purpose the manse needs to be vacant.
4. The manse remains vacant and there have been no tenants since the applicant and his family left the property in September 2023. The applicant was not misled into ceasing occupation of the manse.

Reasons for decision

The Tribunal accepted the evidence provided by the respondent in terms of the affidavit from Ms Mhairi Macleod which was dated 19th November 2025. The property referred to is a Church of Scotland Manse. The applicant and his family occupied the property and were sent an email from the letting agents in which the letting agent indicated that a new minister has been appointed. This was a

poorly communicated email from the letting agent as a new minister had not been appointed. Currently a new minister has still not been appointed. The East Kilbride MossNeuk only had permission to call a new minister.

There was no contradictory position put before the Tribunal.

The Tribunal having accepted the evidence of the respondent proceeded to refuse the application.

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

Chairperson of the tribunal
Dated: 24th April