



**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/25/3336**

**Re: Property at 31 Vorlich Wynd, Motherwell, ML1 5EG (“the Property”)**

**Parties:**

**Mr Euan Cadger, 12 Kintore Grdns, Aberdeen, AB25 2WS (“the Applicant”)**

**Ms Helen Hendry, 31 Vorlich Wynd, Motherwell, ML1 5EG (“the Respondent”)**

**Tribunal Members:**

**Richard Mill (Legal Member) and Mary Lyden (Ordinary Member)**

**Decision**

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

Introduction

This is an eviction application under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. The CMD took place by teleconference on 1 May 2026 at 2.00 pm. The applicant was represented by Ms Donna Cramb of K Property. The respondent joined, supported by her daughter.

Findings and Reasons

The property is 31 Vorlich Wynd, Motherwell ML11 5EG. The applicant is Mr Euan Cadger who is the heritable proprietor of the property and the registered landlord. The applicant was represented by Ms Cramb of K Properties. The respondent is Ms Helen Hendry who is the tenant. The parties entered into a private residential tenancy in respect of the property which commenced on 23 October 2019.

The applicant relies upon ground 1 of schedule 3 to the 2016 Act. This is an eviction ground where the landlord intends to sell the let property. The notice period was one of 84 days.

The notice to leave relied upon in this case is dated 27 February 2025 and stipulates that the earliest an application be submitted to the tribunal would be 25 May 2025. There is evidence from the post office track and trace data that service of the notice to leave was on 27 February 2025 with corresponding evidence that it was delivered on 28 February 2025. Sufficient statutory notice was given.

The applicant has produced copy correspondence with Aberdeen Considine solicitors evidencing her intended sale of the property. The tribunal was satisfied on the basis of the credible and reliable unchallenged evidence produced that it is the applicant's genuine intention to sell the let property. He has a number of rental properties and is reducing his portfolio due to increased costs and regulations.

The tribunal proceeded to consider the issue of reasonableness on the making of an eviction order.

The respondent has not opposed the application. She no longer wishes to live in the property. She has been in communication with her local council. She lives with her two adult daughters aged 38 and 39 years, one of whom has learning disability. The family require a 3 bedroomed property. A relevant Section 11 notice has been issued to the local authority. The tribunal was satisfied that the respondent will be provided with alternate accommodation in the event of an eviction order being made.

Weighing up the respective circumstances of the parties, the tribunal concluded that it was reasonable to grant the eviction order.

### **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.**

**R.Mill**

**1 May 2026**

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**Legal Member/Chair**

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**Date**