



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/25/4177

Re: Property at 16 Inchgarvie Road, Kirkcaldy, Fife, KY2 6SB (“the Property”)

Parties:

Miss Megan Hutchison, 143 Dunnikier Road, Kirkcaldy, Fife, KY2 5AZ (“the Applicant”)

Miss Amber Braid, Mr Aiden Anderson, 16 Inchgarvie Road, Kirkcaldy, Fife, KY2 6SB (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Jane Heppenstall (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated 29th September 2026. The application was submitted under Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 4 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. On 28th March 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 13th May 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 18th May 2026.
3. On 30th March 2026, sheriff officers served the letter with notice of the hearing date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 30th March 2026.

The Case Management Discussion

4. A CMD was held on 13th May 2026 at 2pm. The Applicant was present and represented herself. The Respondents were not present and were not represented. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondents did not make any representations in advance of the CMD.
5. The Applicant said that she has been in regular contact with the Respondents. She said that they have told her that they understand her position and were not opposing an order for eviction being granted. They have been to Fife Council and a local housing association. However, they have been told that they will not be able to be rehoused until they have an order for eviction granted against them. She said that she last heard from the Respondents by text on the morning of the CMD. The Respondents are both at work so cannot attend the CMD. They have been allocated a housing officer by their local council. The Respondents live in the Property with their young son who is around one year old and their three dogs. There are no tenancy issues with the Respondents.
6. The Applicant said that she wanted to live in the Property as she was paying more for her own private rented property than she was receiving from the Respondents, her late grandmother had kept the rent low. It now makes more financial sense for her to live in the Property. She does not have a garden currently but this property does have a garden which is better for her as she has a large dog. It is a two bedroom terrace property. She lives with her pets so believes that she will be able to live in this property until such time as she has a longer term changes in her personal circumstances. She said she may need to renovate it as it has been some time since it has been renovated. She does intend to move in as soon as possible.
7. The Tribunal considered that it was reasonable to grant an order for eviction given that it was not opposed by the Respondents and that they had not lodged any submission to dispute the granting of an order for eviction.

Findings and reason for decision

8. A Private Rented Tenancy Agreement commenced 1st September 2020.
9. The Property was owned by the Applicant's late grandmother, who died on 23rd November 2024. Confirmation was granted on 14th February 2025. Ownership to the Property was transferred to the Applicant on 21st March 2025.
10. The Applicant now wants to live in the Property. The Applicant is currently in her own Private Residential Tenancy which she is paying more for than she receives in rent from the Respondents. It is the most economically prudent way forward for her to occupy the Property. It is a more appropriate property for her and her pets than her current property.
11. The Respondents are not opposed to the granting of an order. The Respondents have spoken to their local authority housing department who will not rehouse them until an order for eviction has been granted.

12. The Respondents have no known vulnerabilities or disabilities.

13. The issue of reasonableness, while fully considered, was viewed in the context of the action not being opposed. Accordingly, this weighed in the favour of granting the Order.

Decision

14. The Tribunal found that ground 4 has been established and granted an order in favour of the Applicant.

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 Miller

13th May 2026

Legal Member/Chair

Date