



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)

Chamber Ref: FTS/HPC/EV/25/2631

Re: Property at 16 Turnberry Gardens, Cumbernauld, G68 0AZ (“the Property”)

Parties:

Mr John Macaloney, 11 Glenbervie Crescent, Cumbernauld, G68 0JF (“the Applicant”)

David Hutcheson, 16 Turnberry Gardens, Cumbernauld, G68 0AZ (“the Respondent”)

Tribunal Members:

Andrew McLaughlin (Legal Member) and Elizabeth Williams (Ordinary Member)

[1] The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) granted the Application and made an Eviction Order.

Background

[2] The Applicant seeks an Eviction Order under ground 1 of Schedule 3 of the Act. The Application is accompanied by a copy of the tenancy agreement and the notice to leave with proof of service. The relevant notice under Section 11 of the Homelessness (etc) (Scotland) Act 2003 is also produced.

The Case Management Discussion

[3] The Application called for a Case Management Discussion (CMD) by conference call at 10 am on 8 May 2026. The Applicant was present together with his solicitor, Mr Murray. The Respondent was neither present nor represented. The Application had

been competently served on the Respondent by Sheriff Officers and so the Tribunal decided to proceed in the absence of the Respondent. The Respondent had emailed the Tribunal making a brief reference to having just received the papers and requesting more time to respond. He clearly therefore had received the papers. There was therefore no explanation for why he did not join the call.

[4] Mr Murray explained that the Respondent had not paid the £2,300.00 a month rent since January 2024 and now owed over £62,000.00 in rent arrears. The Applicant is 84 years of age and no longer wishes to be a landlord. The Respondent has also refused to allow access to the Property for essential safety checks.

[5] Having heard from parties, the Tribunal made the following findings in fact.

Findings in Fact

- 1) *The Applicant let the property to the Respondent by a Private Residential Tenancy Agreement.*
- 2) *The Applicant now wishes to sell the Property.*
- 3) *The Applicant has competently served a notice to leave under ground 1 on the Respondent.*
- 4) *The Applicant has complied with Section 11 of the Homelessness (etc) (Scotland) Act 2003.*
- 5) *The Respondent has failed to allow access to the Property to the Landlord or pay any rent for over two years.*

Reasons for Decision

[6] Having made the above findings in fact, the Tribunal considered that ground 1 of Schedule 3 of the Act was established and that it was reasonable to make an 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.

A McLaughlin

Legal Member/Chair

8 May 2026
Date