

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)**

Chamber Ref: FTS/HPC/EV/25/5346

Re: Property at 16 Finlaystone Place, Kilmacolm, PA13 4RH (“the Property”)

Parties:

**Ms Adele Gemmell, Avenida Mar Delsur No. 78, Edificio Las Palmeras Apt. 9,
Torreguadiaro, San Roque Cadiz, 11312, Spain (“the Applicant”)**

**Mr Alan Grierson, 16 Finlaystone Place, Kilmacolm, PA13 4RH (“the
Respondent”)**

Tribunal Members:

Virgil Crawford (Legal Member) and Sara Hesp (Ordinary Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
Tribunal”) determined that**

BACKGROUND

1. By lease dated 6 May 2020, the Applicant let the Property to the Respondent.
2. A Notice to Leave dated 28 August 2025 was served upon the Respondent. The Notice to Leave intimated that the Applicant sought recovery of possession as she intended to sell the Property.
3. On 10 December 2025 an application was presented to the Tribunal seeking an order for eviction on the basis the Applicant wished to sell the Property.
4. A Notice in terms of s11 of Homelessness etc (Scotland) Act 2003 was intimated to the local authority.

5. A letter from agents confirming they had been instructed to market the Property for sale was provided to the Tribunal.

THE CASE MANAGEMENT DISCUSSION

6. The Applicant was represented by Mr Thomas of Hames Estates LKD, Kilmacolm. The Respondent did not participate in the Case Management Discussion. The Tribunal, however, was in receipt of a certificate of intimation by Sheriff Officers confirming that the proceedings had been intimated upon the Respondent. In the circumstances, the Tribunal was satisfied in terms of Rule 24 of the First Tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the FTT Regs") that the Respondent had received intimation of the date and time of the Case Management Discussion and considered that it was appropriate to proceed with the Case Management Discussion in the absence of the Respondent in accordance with Rule 29 of the FTT regs.
7. Mr Thomas moved the Tribunal to grant an Order for Eviction.
8. Despite the absence of the Respondent, the Tribunal made enquiry of Mr Thomas in relation to the circumstances giving rise to the application. The Tribunal was advised of the following:-
 - Mr Thomas, unfortunately did not know exactly why the Applicant was wishing to sell the Property. She does, however, now live in Spain and he assumes she is "trying to get her affairs in order".
 - The Respondent is 62 years of age.
 - The Respondent resides at the Property himself. The property is a one bedroomed bungalow
 - It is understood the Respondent is in employment. When inspections are taking place, he generally advises the letting agents they should use their set of keys to allow access and no part of the rent paid appears to be by way of any benefit.
 - The Respondent has no known medical conditions.
 - It is believed the Respondent has been making enquiries about alternative accommodation. That belief arises from the fact that a housing association contacted the Applicant's Letting Agents in relation to the eviction application and with a view to alternative housing being provided.
9. Having regard to the information provided to the Tribunal with the application and at the Case Management Discussion, and having regard to the fact the Respondent has failed to lodge any written submissions in advance of the Case Management Discussion and did not participate personally in the Case Management Discussion, and has not, therefore, opposed the Application, the Tribunal, on the basis of the information available, considered it reasonable to grant an Order for Eviction.

DECISION

The Tribunal granted an order against the Respondent for eviction of the Respondent from the Property under section 51 of the Private Housing (Tenancies) (Scotland) Act 2016, under ground 1 of Schedule 3 of said Act.

Order not to be executed prior to 12 noon on 22nd July 2026

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.

V. Crawford

15th June 2026

Legal Member/Chair

Date