



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988 and Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017**

**Chamber Ref: FTS/HPC/EV/26/1362**

**Re: Property at 3 Heritage View, Coatbridge, ML5 1QA (“the Property”)**

**Parties:**

**Mrs Caroline Travers, 20 Arthur Avenue, Airdrie, ML6 9EZ (“the Applicant”)**

**Ms Margaret Cameron, 3 Heritage View, Coatbridge, ML5 1QA (“the Respondent”)**

**Tribunal Members:**

**Hilary Macandrew (Legal Member) and Robert Buchan (Ordinary Member)**

**Decision (In absence of Respondent)**

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

**1) Background**

- 1.1 By Application dated 24<sup>th</sup> March 2026 the Applicant sought an order under Section 33 of the Housing (Scotland) Act 1988 (‘The Act’) and in terms of Rule 66 of the First Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017
- 1.2 The application to the Tribunal was made by Form E and was accepted for determination by the Tribunal on 28<sup>th</sup> April 2026.
- 1.3 Intimation of the application and of the Initial Case Management Discussion (CMD) was effected upon the Respondent by sheriff officers on 30 July 2026.

1.4 The Applicant lodged the following documents in advance of the case management discussion (CMD):-

- Tenancy agreement and AT5
- Notice to Quit and Section 33 Notice
- Section 11 Notice to Local Authority
- Rent Statement

1.5 A Case Management Discussion was set to take place on 4<sup>th</sup> September 2026. Appropriate intimation was given to both Applicant and Respondent.

## **2) The Case Management Discussion**

2.1 The CMD took place by tele conference on 4<sup>th</sup> September 2026. The Applicant did not take part but was represented by Ms Hayslie. The Respondent did not take part.

2.2 Ms Hayslie sought the Eviction Order. The tenancy is a Short Assured tenancy. The Applicant had served the required notices to bring the tenancy to an end. The Respondent has not vacated the property.

2.3 They Applicants wish to sell the property. They are looking towards retirement shortly and wish to ensure their retirement is funded. The Respondent is in arrears to the extent of £5,300. The current rent which has not increased during the tenancy is £400 per month and is not being paid at all. The Applicants have a mortgage on the property and a mortgage over their own home. Their finances are strained by having to pay two mortgages.

2.4 Ms Hayslie understood that the Respondent is a single lady with no known dependents. She is believed to have had a supermarket job at some point but her current circumstances are unknown. The Applicant's brother had received a communication from the Respondent indicating that she had approached the local authority to be rehoused and they required to see an Eviction Order. To best of the Applicants' knowledge the Respondent has no known disability or vulnerability and the property has not been adapted in any way to suit a disability.

2.5 Rule 17 of the First-Tier Tribunal for Scotland (Housing and Property Chamber) (Procedure) Regulations 2017 provides that the Tribunal may do anything at the CMD which it may do at a hearing, including making a decision. The Tribunal was satisfied that it had before it sufficient information and documentation to decide the application without a hearing.

## **3) Findings in Fact and Law**

3.1 The Applicant and the Respondent entered into a Short Assured Tenancy agreement dated 5<sup>th</sup> April 2012. The rent was £400 per month and has not been increased during the tenancy.

- 3.2 On 4<sup>th</sup> December 2025 the Applicant served upon the Respondent a Notice to Quit and a Notice in terms of Section 33 of The Act. These Notices were served by Sheriff Officers. They became effective on 5<sup>th</sup> February 2026. The Notices informed the Respondent that the Applicant wished to seek recovery of possession using the provisions of Section 33 of The Act. The Notices were correctly drafted and provided sufficient notice.
- 3.4 The basis for the Order for possession was accordingly established.

#### **4) Issue For The Tribunal**

- 4.1 The issue for the Tribunal is to determine whether or not it is reasonable to grant the Order.
- 4.2 The Tribunal approached the issue of reasonableness in accordance with the case of *Barclay v Hannah 1943 SC 245* whereby the Tribunal was under a duty to consider the whole facts and circumstances in which the Application was made.
- 4.3 The Tribunal found that the Applicant is entitled to recovery of the property. The Tribunal had regard to the change of the Applicant's personal circumstances in that the Applicants are retiring and wish to realise the equity in the property and to remove the responsibilities of being a Landlord. They are suffering financial hardship, paying two mortgages with no rental income. The arrears of rent are £5300 and the current rent is not being paid.
- 4.4 The Respondent has not engaged in the Tribunal process. She has indirectly advised the Applicants that she has sought alternative accommodation and that the local authority require to see an Eviction Order. She has no known vulnerability or disability which would have to be taken into account. She is a single lady with no dependents. The property is an end terrace house and by any standard the current rent is modest and as it has not been increased since 2012 it is likely to be well below the current open market rent.
- 4.5 Accordingly, the Tribunal was satisfied that it is reasonable to grant an order for eviction.

#### **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.



H Macandrew

4 September 2026

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Legal Member/Chair

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Date