

**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) under Section 51 (1) of the Private Housing (Tenancies) (Scotland) Act 2016 (“The Act”)**

**Chamber Ref: FTS/HPC/EV/25/0494**

**Re: Property at 1 Disraeli Way, East Kilbride, G74 5PU (“the Property”)**

**Parties:**

**Mr Kenneth Andrew McLellan, Rua do Monte Velho, CP 25X, Mosqueira, Albufeira, 8200-560, Portugal (“the Applicant”)**

**Margaret Megan Graham, 1 Disraeli Way, East Kilbride, G74 5PU (“the Respondent”)**

**Tribunal Members:**

**Andrew McLaughlin (Legal Member) and Elizabeth Dickson (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 July 2025. The Applicant was present together with his representative, Ms Alexandra Wooley, solicitor. The Respondent was neither present nor represented. The Respondent had received service of the Application and information about how to join the CMD. The Tribunal therefore decided to proceed in her absence. The Respondent had also submitted representations confirming that she had vacated the Property on 6

June 2025. She was now living elsewhere but still retained the keys and had items stored in the Property. The Tribunal therefore considered that there was no good reason not to grant the Application today as the Respondent was now living elsewhere.

[4] Having heard from parties and having considered the written materials before it, the Tribunal made the following findings in fact.

### **Findings in Fact**

- 1) *The Applicant let the Property to the Respondent by virtue of 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 moved out of the Property.*

### **Reasons for Decision**

[5] 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. The Tribunal granted the Application.

### **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.**

**Andrew McLaughlin**

Andrew McLaughlin

23 July 2025

---

Legal Member/Chair

---

Date