



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

Chamber Ref: FTS/HPC/EV/25/3375

Re: Property at 7 McAdam Court, Prestwick, KA9 2NB (“the Property”)

Parties:

Ms Larysa Crawford, 56 Avenue Park, Bridge of Allan, Stirling, FK9 4JB (“the Applicant”)

Mr Johnny Scott, Mrs Stephanie Scott, 7 McAdam Court, Prestwick, KA9 2NB (“the Respondents”)

Tribunal Members:

Mary-Claire Kelly (Legal Member), Sandra Brydon (Ordinary Member)

Decision (in absence of the Respondents)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined to grant an order for eviction relying on ground 4 (landlord intends to live in the property) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.

Background

1. By application dated 4 August 2025 the applicant seeks an order for possession relying on ground 4 (landlord intends to live in property) in schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016.
2. The following documents were lodged *inter alia* with the application:
 - Copy tenancy agreement
 - Section 11 notice with proof of intimation
 - Notices to leave with proof of service

- Supporting evidence from the applicant's daughter and work colleague
 - Photographs of the property
3. A case management discussion was scheduled to take place via teleconference on 10 March 2026.

Case Management Discussion (“cmd”) – teleconference – 10 March 2026

4. The applicant was represented by Ms McLemon, Letting Agent, BE Listed. The respondents were not present or represented. The Tribunal was satisfied that the respondents had been properly notified of the application and proceeded with the cmd in the absence in terms of rule 29.1.
5. Ms McLemon sought an order for eviction. She referred to the documents that had been submitted with the application. She stated that the applicant currently resided with her oldest daughter. This property was a significant distance away from her place of work in Ayr. She had moved there following a relationship breakdown with her former partner. Ms McLemon stated that the applicant does not have a permanent address at present and required the property for her own occupation.
6. Ms McLemon stated that the letting agents had inspected the property on 23 February 2026. She referred to the photographs that had been submitted. The photographs showed that the respondents had vacated the property taking their possessions and the white goods. Ms McLemon stated that neighbours had reported seeing the respondents move out. Ms McLemon stated that as far as she was aware the respondents had resided in the property with their 2 children. They had been up to date with the rent payments until February 2026 when they missed a payment. Ms McLemon stated that when the property was inspected the back door key was found stuck in the lock. She confirmed that there had been no contact from the respondents since the inspection. She stated that she was aware that the respondents had applied for accommodation from the local authority however she had no confirmation of where they

currently resided and confirmed that they had not formally terminated the tenancy.

Findings in fact

7. Parties entered into a private residential tenancy agreement with a commencement date of 5 March 2021.
8. The applicant moved out of her previous address due to relationship breakdown on or around April 2025.
9. Since on or around April 2025 the applicant has resided with her daughter.
10. The applicant is employed in Ayr.
11. The applicant intends to reside in the property as her permanent residence.
12. The respondents submitted no written defence to the application and did not attend the cmd to oppose an order for eviction.
13. The respondents vacated the property prior to a property inspection which took place on 23 February 2026.

Reasons for the decision

14. Rule 17 (4) states:

The First-tier Tribunal may do anything at a case management discussion which it may do at a hearing, including making a decision.

15. Rule 18 states:

Power to determine the proceedings without a hearing

18.—(1) Subject to paragraph (2), the First-tier Tribunal—

(a) may make a decision without a hearing if the First-tier Tribunal considers that—

(i) having regard to such facts as are not disputed by the parties, it is able to make sufficient findings to determine the case; and

(ii) to do so will not be contrary to the interests of the parties; and

(b) must make a decision without a hearing where the decision relates to—

(i) correcting; or

(ii) reviewing on a point of law,

a decision made by the First-tier Tribunal.

(2) Before making a decision under paragraph (1), the First-tier Tribunal must consider any written representations submitted by the parties.

16. The Tribunal was satisfied that it was able to make a determination and that it was not contrary to parties' interest to do so at the cmd without the need for a further hearing.

17. Ground 4 states:

4(1) It is an eviction ground that the landlord intends to live in the let property.

(2) The First-tier Tribunal may find that the ground named by sub-paragraph (1) applies if—

(a) the landlord intends to occupy the let property as the landlord's only or principal home for at least 3 months , and

(b) the Tribunal is satisfied that it is reasonable to issue an eviction order on account of that fact.

(3) References to the landlord in this paragraph—

(a) in a case where two or more persons jointly are the landlord under a tenancy, are to be read as referring to any one of them,

(b) in a case where the landlord holds the landlord's interest as a trustee under a trust, are to be read as referring to a person who is a beneficiary under the trust.

(4) Evidence tending to show that the landlord has the intention mentioned in sub-paragraph (2) includes (for example) an affidavit stating that the landlord has that intention.

18. The Tribunal took into account the written representations and documents lodged together with oral representations at the cmd. The Tribunal accepted the unopposed submissions that the applicant genuinely intended to live in the

property as her permanent residence. This was corroborated by the supporting letters that had been submitted from the applicant's daughter and work colleague.

19. The Tribunal proceeded to make a determination of whether it was reasonable to grant an order for eviction. In assessing whether it is reasonable to grant an order all available facts relevant to the decision were considered and weighed in the balance, for and against

20. The Tribunal gave significant weight to the applicant's personal circumstances. She did not currently have permanent accommodation that was within a reasonable distance of her employment. The Tribunal found that it was reasonable that she would seek to reside in the property as her permanent home following a relationship breakdown which had resulted in her leaving her previous permanent address. The respondent had been through a challenging period in her personal life and required stable accommodation.

21. The Tribunal gave significant weight to the fact that the respondents had vacated the property without informing the applicant. They had also not sought to defend the application. The Tribunal took into account that the respondents had resided in the property with their 2 young children however from the photographs that had been submitted it appeared that they had moved to alternative accommodation without formally terminating the tenancy agreement.

22. Taking the foregoing factors into account the Tribunal determined that in the circumstances it was 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.



Legal Member/Chair

10 March 2026 _____
Date