



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

Chamber Ref: FTS/HPC/EV/26/0624

Re: Property at 106c High Street, Montrose, DD10 8JE (“the Property”)

Parties:

MacPherson Property Company Limited, 92a Monifieth Road, Broughty Ferry, Dundee, DD5 2SH (“the Applicant”)

Ms Kirsty McGregor, 106c High Street, Montrose, DD10 8JE (“the Respondent”)

Tribunal Members:

Nicola Irvine (Legal Member) and Angus Lamont (Ordinary Member)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the Applicant is entitled to the Order sought for recovery of possession of the property.

Background

1. The Applicant submitted an application under Rule 109 of the Housing & Property Chamber Procedure Regulations 2017 (“the Rules”) for an order to evict the Respondent from the property.
2. A Convenor of the Housing and Property Chamber (“HPC”) having delegated power for the purpose, referred the application under Rule 9 of the Rules to a case management discussion (“CMD”).
3. Letters were issued on 29 July 2026 informing both parties that a CMD had been assigned for 7 September 2026 at 2pm, which was to take place by conference call. In that letter, the parties were also told that they were required to take part in the discussion and were informed that the Tribunal could make a decision on the application at the CMD if the Tribunal has sufficient

information and considers the procedure to have been fair. The Respondent was invited to make written representations by 19 August 2026. No written representations were received from the Respondent.

The case management discussion – 7 September 2026

4. The CMD took place by conference call. The Applicant was represented by Miss Nicky Taylor. The Respondent did not join the call and the discussion proceeded in her absence. The Tribunal explained the purpose of the CMD.
5. The Applicant's representative explained that the Applicant owns a number of rental properties and is in the process of reducing the number of properties in the portfolio. The Applicant intends to sell the Property.
6. The Respondent does not have any dependents and is the sole tenant of the Property. It is believed that the Respondent has given a key to the Property to others who are not authorised to be there. Police Scotland have been called to attend the Property several times because of disruption at the Property and possibly criminal activity. This has caused a negative impact on some neighbours. The Applicant owns other properties in the same block of flats and some neighbours have decided to leave, citing the Respondent's behaviour as a reason for leaving.
7. The Tribunal advised the Applicant's representative that it found the ground of eviction established and that it was reasonable to grant an order for eviction.

Findings in Fact

8. The Applicant is the owner and landlord of the Property at 106c High Street, Montrose, DD10 8JE.
9. The Respondent is the tenant of the Property.
10. The tenancy in question is a private residential tenancy which commenced on 8 July 2024.
11. The Applicant served a Notice to Leave on the Respondent by email on 6 October 2025.
12. The Applicant intends to sell the Let Property.

Reason for Decision

13. The Tribunal was satisfied that it could make relevant findings in fact in order to reach a decision following the CMD, and that to do so would not be contrary to the interests of the parties in this case.

14. The Tribunal proceeded on the basis of the documents lodged and the information provided at the CMD.
15. The Applicant has produced documentation from a letting agent who has been instructed to market the Property for sale if and when vacant possession is obtained. The Applicant's representative provided the reason why the Applicant wishes to sell the Property. The Respondent did not participate in the CMD and therefore the ground of eviction was not disputed by the Respondent. The Tribunal was satisfied that the ground of eviction is established.
16. The Tribunal proceeded to consider whether it is reasonable to grant an order for eviction. There was no opposition to the application. Although it is not a ground of eviction relied upon, the Tribunal took account of the behaviour reported by the Applicant when assessing the reasonableness of the order. Incidents at the Property have had a negative impact on neighbours. The Respondent does not have any dependents. Taking account of these factors, the Tribunal decided that it is reasonable to grant an order evicting the Respondents from the Property.

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.

Nicola Irvine

Legal Member/Chair

7 September 2026
Date