



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 18 of the Housing (Scotland) Act 1988

Chamber Ref: FTS/HPC/EV/25/3987

Re: Property at 205 Croftfoot Road, Castlemilk, Glasgow, G44 5LD (“the Property”)

Parties:

Ms Chor Mei Lee, 9 Kingshill Drive, Glasgow, G44 4QY (“the Applicant”)

Ms Michelle Miller, 205 Croftfoot Road, Castlemilk, Glasgow, G44 5LD (“the Respondent”)

Tribunal Members:

Gabrielle Miller (Legal Member) and Andrew McFarlane (Ordinary Member)

Decision (in absence of the Respondent)

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for recovery and possession should be granted in favour of the Applicant.

Background

1. An application was received by the Housing and Property Chamber dated **16 September 2025**. The application was submitted under Rule 65 of The First-tier for Scotland Housing and Property Chamber (Procedure) Regulations 2017 (“the 2017 Regulations”). The application was based on ground 12 of the Housing (Scotland)(Act) 1988 (“the Act”).
2. On 2nd February 2026, all parties were written to with the date for the Case Management Discussion (“CMD”) of 18th March 2026 at 2pm by teleconferencing. The letter also requested all written representations be submitted by 23rd February 2026.
3. On 11th March 2025, the Applicant’s solicitor emailed the Housing and Property Chamber lodging an up to date rent account up to 1st March 2026. This stated

the arrears as being £38,040. This amended the amount sought in the joint application.

4. On 12th March 2025, the Applicant's solicitor emailed the Housing and Property Chamber lodging a recorded delivery slip and recorded letter to the Respondent detailing the submission lodged on 11th March 2025.
5. On 3rd February 2026, sheriff officers served the letter with notice of the CMD date and documentation upon the Respondent by letterbox service. This was evidenced by Certificate of Intimation dated 3rd February 2026.
6. The case was conjoined with case FTS/HPC/CV/25/3991.

The Case Management Discussion

7. A CMD was held on 18th March 2026 at 2pm by teleconferencing. The Applicant was not present but was represented by Mr Andrew Devlin, Trainee Solicitor, Clarity Simplicity Ltd. Ms Mary Lee, the Applicant's daughter, was present. Mr Devlin has authority for her to act on the Applicant's behalf. The Respondent was not present. The Tribunal proceeded in terms of Rule 29 of the Rules. The Respondent did not make any representations in advance of the CMD.
8. Mr Devlin said that Applicant had delayed raising an action as the Applicant had personal issues with-which directed her attention away from this property. Prior to that there had been some discussions with the Respondent about payments. These payments did not materialise. The Applicant instructed ~~a~~ Mr Devlin's firm in July 2024 which then instigated the eviction process. The arrears are £38,040. The last payment was a partial payment of rent in July 2022 when two payments of £150 were made.
9. Mr Devlin said that there is a mortgage on this property. There is a financial pressure on the Applicant's by the Respondent continuing to live in the Property without paying the rent charge or addressing the arrears.
10. Mr Devlin said that it is believed that the Respondent remains living in the Property. The Applicant and/or her family had driven past the Property as it is near them where they stay. They have seen the Respondent's car. The last time was about a year ago. However, there has been no indication from the Respondent that she has left the Property.
11. Mr Devlin was not aware of whether the Respondent has contacted her local authority with regard to being rehoused. He thought that the Respondent may be looking to be rehoused once an order for eviction had been granted. This is the practice of many local authorities due to many being in a housing crisis.
12. The Tribunal was satisfied that it was reasonable to grant an order for eviction.

Findings and reason for decision

13. The parties entered into an Assured Tenancy on 31st August 2008. There was not an AT5 so this was not a Short Assured Tenancy. The rent payments of £560 per month are due on the first day of each month.
14. The Respondent persistently failed to pay her rent charge of £560 per month. The outstanding arrears are £38,040. There have been no payments made to the rent account since 8th July 2022~~24~~ which was only a partial rent payment.
15. At the point of the Notice to Quit on 27th June 2025 there were outstanding arrears due to no payments since at least July 2022.
16. The Respondent has not been in contact with the landlord or the Applicant's solicitor to discuss the arrears.
17. The Respondent lives in the Property with her three children. One child is in their twenties, one child is a teenager and the third child is believed to be an infant.
18. The Respondent and her children are not known to have any disabilities or vulnerabilities.
19. It is not known if the Respondent is in receipt of Universal Credit Housing Element.
20. The Tribunal did not consider that there were any grounds of reasonableness which prevented an order for eviction being granted.

Decision

21. The Tribunal found that ground 12 has been established and the granted an order in favour of the Applicant. The Applicant is entitled to an Order of for recovery of possession.

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.

Gabrielle Miller

18th March 2026

Legal Member/Chair

Date