



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 and schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 (the 2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules)

Chamber Ref: FTS/HPC/EV/25/3568

Re: Property at 15 Maxwell Place, Coatbridge, ML5 1BZ (“the Property”)

Parties:

James Lambert, 7 Glenbuck Place, Strathaven, ML10 6ZG (“the Applicant”)

Miss Victoria Crawley, 15 Maxwell Place, Coatbridge, ML5 1BZ (“the Respondent”)

Tribunal Members:

Julie McKinlay (Legal Member) and Ann Moore (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that the order for eviction should be granted.

Background

1. On 12 August 2025 the applicant made an application to the Tribunal in terms of section 51 of the Private Housing (Tenancies) (Scotland) Act 2016 (2016 Act) and Rule 109 of The First-tier Tribunal for Scotland Housing and Property Chamber (Rules of Procedure) Regulations 2017 (the 2017 Rules).
2. The applicant sought the eviction of the respondent in terms of section 51 under ground 12 of schedule 3 to the 2016 Act., that the tenant has been in arrears of rent for three or more consecutive months.
3. The applicant provided a copy of the title deed for the property showing the applicant (and his now deceased wife) as the proprietors of the property. The applicant provided a copy of the tenancy agreement dated 20 August 2020.

4. The application was accepted for determination by the Tribunal on 11 December 2025. A Direction was issued on 11 December 2025 seeking evidence of the applicant's compliance with the rent arrears pre-action protocol. No further documentation was provided following that Direction.
5. A Case Management Discussion (CMD) was fixed for 23 April 2026 at 2pm and appropriate intimation of the hearing was given to all parties.

Case Management Discussion

6. Both parties attended the CMD.
7. The applicant sent an email to the Tribunal the night before the CMD inviting the Tribunal to consider an application for a payment order alongside the application for eviction. The position of the applicant was that the application had been made to the Tribunal by email dated 5 March 2026 in terms of which the applicant had asked for the application to be added to the existing application for eviction.
8. The Tribunal advised the applicant that the application for a payment order was a separate application which had not been formally accepted by the Tribunal and served by the Tribunal on the respondent. As such it was not possible for the Tribunal to consider that application at the CMD. The applicant was invited to contact the administration of the Tribunal with a view to progressing that application.
9. The Tribunal advised the applicant that he could postpone consideration of the eviction application to allow it to be conjoined to the payment order application. The applicant preferred that in the circumstances the applications be considered separately.
10. The Tribunal proceeded with the CMD in respect of the eviction application.
11. The applicant did not send any further materials in respect of the Direction. He advised the Tribunal that in addition to the letter sent to the respondent from Countrywide with the Notice to Leave that each tenant would receive an automated demand for payment when they fell into arrears. The applicant was unable to identify any further papers in the bundle relevant to the pre-action requirements.
12. The respondent confirmed that she had not paid rent since January 2025. She explained that she had stopped paying when the boiler broke down. However, she acknowledged that that issue was resolved after a period of two months but that she did not resume payment of the rent.
13. In respect of the order for eviction the respondent advised that she would rather be evicted. The rent was getting too expensive for her. The respondent expressed

a wish to be housed by the local authority. The respondent had not, as yet, spoken to the local authority to advise them of the application to evict her. She had however taken advice from Citizens Advice Bureau. She had been advised by them that the local authority will not help her until she has only two months left to reside in her current property.

14. The respondent lives alone and works part time. She is 28 years old. The applicant is not currently in receipt of any benefits. Her mother is her DWP appointee and they have not spoken for some time. The Tribunal advised the respondent to seek advice from Citizens Advice Bureau to resolve the issue of any potential benefit entitlement going forward.

Findings in Fact

15. The applicant is the registered proprietor of the property.

16. The applicant is the landlord of the property and the respondent the tenant by virtue of the private residential tenancy entered into on 20 August 2020.

17. Rent was initially payable at the start of the tenancy at the rate of £450 per calendar month. The rent was increased by virtue of a rent increase notice served on 17 July 2024 which raised the rent to £532 per calendar month with effect from 24 October 2024.

18. On 1 July 2025 the applicants served upon the respondent a Notice to Leave as required by the Act. The notice informed the respondent that the applicant wished to recover possession using the provisions of the Act.

19. A notice was served on North Lanarkshire Council by the applicant under section 11 of the Homelessness etc (Scotland) Act 2003 on 18 August 2025.

20. The respondent was given at least 28 days' notice that the applicant sought possession of the property.

21. On 1 July 2025 the applicant's agents wrote to the respondent in which letter the respondent was advised to contact the local authority, Shelter or the Citizens Advice Bureau.

22. As of 7 August 2025, the arrears of rent were £3192.00.

23. The respondent continues to reside in the property.

24. The respondent has not paid any rent since January 2025.

25. The rent arrears are not as a consequence of delay or failure in payment to the respondent of relevant benefits.

26. The respondent has not opposed the application for eviction.

Reasons for Decision

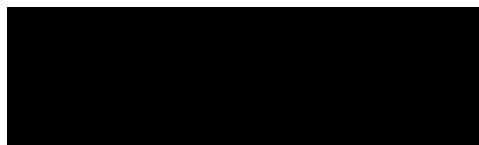
27. The order for eviction is sought in the application in terms of section 51 and paragraph 12 of schedule 13 to the 2016 Act. The Tribunal is satisfied that for three or more consecutive months the respondent has been in arrears of rent.

28. The Tribunal is also satisfied that it is reasonable to grant the order for eviction. In determining whether it is reasonable to grant the order the Tribunal is required to balance all of the evidence which has been presented and to weigh the various factors which apply to the parties.

29. The respondent does not oppose the application for eviction. She would prefer to seek accommodation with the local authority. The respondent was advised by the applicant's agent to contact the local authority or Citizens Advice Bureau. The respondent has been in contact with Citizens Advice Bureau. She has been advised by Citizens Advice Bureau that housing by the local authority can only be considered once she has only two months left to reside in her current accommodation. The respondent has not paid any rent since January 2025 and cannot afford to make the rental payments. The respondent is living alone with no dependents. It is accordingly reasonable to grant the eviction order.

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

Date 23/04/2026