



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/25/4889

Property : 71 Dundee Drive, Cardonald, Glasgow G52 3HL (“Property”)

Parties:

DCLO Property Ltd, 160 Offham Road, West Malling, Kent ME19 6RF (“Applicant”)

McTurk & Muir Lettings Ltd, 211 Glasgow Road, Baillieston, Glasgow G69 6EZ (“Applicant’s Representative”)

Maxine Mulholland, 71 Dundee Drive, Cardonald, Glasgow G52 3HL (“Respondent”)

Tribunal Members:

Joan Devine (Legal Member)

Frances Wood (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“Tribunal”) determined to grant an order for possession of the Property.

The Applicant sought recovery of possession of the Property. The Applicant had lodged Form E. The documents produced were: a Tenancy Agreement which commenced on 4 July 2024 (“Tenancy Agreement”); Notice to Leave addressed to the Respondent under Section 50(1)(a) of the Private Housing (Tenancies) (Scotland) Act 2016 (“Act”) dated 13 October 2025 (“Notice to Leave”) with covering email; statement of rent arrears indicating arrears of £4500 at 13 October 2025; notification to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003 and evidence of compliance with the pre-action protocol. The Application was served on the Respondent by sheriff officer on 22 April 2026. On 15 May 2026 the Applicant’s Representative lodged an updated statement of arrears showing arrears of £8,089.97.

Case Management Discussion (“CMD”)

A CMD took place before the Tribunal on 21 May 2026 by teleconference. The Applicant was represented by David Lee of the Applicant and by Alison Spence of the Applicant’s Representative. The Respondent was not in attendance. Ms Spence told the Tribunal that the last contact with the Respondent had been in March 2025. She said that the Respondent did not reply to attempts at communication since then. She said that payments towards the rent were received via benefits until 17 April 2026 but nothing had been received since then. Ms Spence said that the Respondent is not working and lives in the Property with 3 or 4 children who she understood to be of school age. She said that the Property has 4 bedrooms. She said she was not aware of any illness or disability in the family. Mr Lee told the Tribunal that he has been unable to access the Property in order to remortgage. He said he is concerned about the state of the Property. He said that he may sell the Property if a possession order is granted.

Findings in Fact

The Tribunal made the following findings in fact:

1. The Applicant and the Respondent entered into a Tenancy Agreement which commenced on 4 July 2024.
2. The Notice to Leave was served by email on 13 October 2025.
3. At the date of service of the Notice to Leave and the date of making the Application, the Respondent had been in rent arrears for three or more consecutive months.
4. The Applicant had complied with the pre-action protocol prescribed by the Scottish Ministers.
5. Notification was provided to the Local Authority in terms of Section 11 of the Homelessness Etc. (Scotland) Act 2003.

Reasons for the Decision

The Tribunal determined to make an Order for possession of the Property in terms of Section 51 of the Act. In terms of section 51 of the Act, the First-tier Tribunal may issue an eviction order against the tenant under a private residential tenancy if, on an application by the landlord, it finds that one of the eviction grounds named in schedule 3 applies. In the Notice to Leave the Applicant stated that they sought recovery of possession of the Property on the basis set out in ground 12 which is that the tenant has been in rent arrears for three or more consecutive months. The Tribunal considered the statement of rent arrears provided and determined that ground 12 had

been established. Having considered all of the circumstances, and in the absence of a submission from the Respondent, the Tribunal determined that it was reasonable to issue an eviction order.

Decision

The Tribunal grants an order for possession of 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.

Joan Devine

**Joan Devine
Legal Member**

Date : 21 May 2026