

Housing and Property Chamber
First-tier Tribunal for Scotland



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/25/5343

Re: Property at 44 Torbrex Road, Carbrain, Cumbernauld, G67 2JR (“the Property”)

Parties:

Mr Manish Khanna, 2 Dullatur Road, Dullator, G68 0AF (“the Applicant”)

Miss Christina Hunter, 44 Torbrex Road, Carbrain, Cumbernauld, G67 2JR (“the Respondent”)

Tribunal Members:

Richard Mill (Legal Member) and Helen Barclay (Ordinary Member)

Decision

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

Introduction

This application seeks an eviction order and is under Rule 109 and Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016. Intimation of the application and of the Case Management Discussion (CMD) was effected upon the respondent by Sheriff Officers on 29 May 2026.

The CMD took place by teleconference on 2 July 2026 at 2.00 pm. The applicant was represented by Mrs Donna Cramb of K Property. The respondent represented her own interests.

Findings and Reasons

The property is 44 Torbrex Road, Carbrain, Cumbernauld G67 2JR. The applicant is Mr Manish Khanna, the registered landlord. The heritable proprietor is Khanna Properties Ltd. The applicant is a director of the company. He is the named landlord

on the written lease. The respondent is Miss Christina Hunter who is the tenant. The parties entered into a private residential tenancy which commenced on 14 September 2023. The agreed rent in terms of the written lease was £795 per month.

The eviction application is based upon arrears of rent. Ground 12 is relied upon, namely that the respondent is in rent arrears over three consecutive months.

The application is supported by an up to date rent statement which reflects the arrears of rent relied upon. The tribunal found this unchallenged document credible and reliable and attached weight to it. No rent has been paid since May 2025. The arrears have now increased to £10,335 as at the date of the hearing.

The notice to leave upon is dated 25 September 2025. 28 days' notice required to be given. The notice served states an application will not be submitted to the tribunal for an eviction before 26 October 2025. The notice was served upon the respondent on 25 September 2025 by email which is evidenced. Sufficient notice was given.

The tribunal was satisfied that more than three consecutive months of rent remains unpaid by the respondent. This establishes ground 12. The tribunal proceeded to consider the issue of reasonableness.

The respondent stated no opposition to the application. She wishes to leave the property. It is not reasonable that that the applicant is required to continue to make the property available for the respondent in the absence of rent being paid. The rent arrears pre-action requirements are evidenced to have been complied with by the applicant.

There is evidence that the local authority has been advised of the eviction proceedings with a section 11 Homelessness Notice having been issued by the applicant. In the event of an eviction order being granted alternative accommodation will be offered to the respondent.

In all of the circumstances the tribunal determined that it was reasonable to grant the eviction order sought by the applicant.

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.

Richard Mill

2 July 2026

Legal Member/Chair

Date